

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

##### Subchapter A—Administrative Provisions

[Farm Credit Administration Order 360]

#### PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

##### DELETION OF AUTHORIZATION PERTAINING TO SUPERVISION OF FEDERAL CREDIT UNIONS

Section 3.71-50 of Title 6, Code of Federal Regulations, pertaining to authority of Special Field Representative of the Farm Credit Administration in the Territory of Hawaii with respect to Federal credit unions, is hereby rescinded.

[SEAL]      A. G. BLACK,  
Governor.

[F. R. Doc. 42-9539; Filed, September 25, 1942;  
9:59 a. m.]

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

#### Chapter I—Bureau of Animal Industry

[Amendment 5 to B.A.I. Order 373]

#### PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATIONS

##### COMMODITIES FROM SOUTH AFRICA

Order amending § 94.1, Part 94, Chapter I, Title 9, Code of Federal Regulations.

Pursuant to the authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (Sec. 306, 46 Stat. 689; 19 U.S.C. 1306), § 94.1, Part 94, Chapter I, Title 9, Code of Federal Regulations [Section 94.1 of B.A.I. Order 373<sup>1</sup>], as amended, is hereby further amended by striking out the words "all countries on the Continent of Africa," and substituting, in lieu thereof, the words "all countries on the Continent of Africa other than the Union of South

Africa," as I have determined that neither foot-and-mouth disease nor rinderpest now exists in the said foreign country of Union of South Africa, and I have officially so notified the Secretary of the Treasury.

The effect of this amendment is to render commodities specified in B.A.I. Order 373 and originating in the Union of South Africa no longer subject to the provisions of that order.

This amendment, which, for purposes of identification, is designated Amendment 5 to B.A.I. Order 373, shall be effective on and after September 27, 1942.

Done at Washington this 24th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]      GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-9559; Filed, September 25, 1942;  
11:34 a. m.]

### TITLE 10—ARMY: WAR DEPARTMENT

#### Chapter VII—Personnel

#### PART 77—MEDICAL AND DENTAL ATTENDANCE

##### MEDICAL ATTENDANCE

Sections 77.2, 77.3, 77.4 and 77.6 (g) are hereby amended to read as follows:

§77.2 *For whom authorized.* Under the conditions indicated herein the Army will, usually through its own facilities, provide medical attendance to the personnel enumerated in paragraphs (a), (b), and (c) of this section.

(a) *General.* Any person admitted to an Army hospital under the provisions of AR 40-590, 40-605, or 40-610,<sup>1</sup> while undergoing treatment in such hospital.

(b) *Military.* (1) Officers, Army nurses, warrant officers, cadets, enlisted men, contract surgeons (full time), and members of the Women's Army Auxiliary Corps and of the Army Specialist Corps

<sup>1</sup> Administrative regulations of the War Department relative to hospitals.

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<sup>1</sup> 5 F.R. 4260, 5283; 6 F.R. 613, 806, 2567.



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of the Army of the United States while in active Federal service, general prisoners, and prisoners of war.

(2) Persons who are on the retired list of the Regular Army and who report in person at any Army dispensary or hospital, provided sufficient accommodations are available for their treatment. Medical officers and contract surgeons will not be required to leave their stations to attend those on the retired list.

(3) Members of the National Guard not in Federal service while in attendance at a Federal training camp, and under certain other conditions as prescribed under appropriate headings in National Guard Regulations.

(4) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps as provided in subparagraph (1) above.

(c) *Civilian.* (1) Members of the Reserve Officers' Training Corps, as prescribed in AR 145-10 and §§ 62.1 to 61.34, inclusive.

(2) Persons in military custody or confinement and applicants for enlistment while under observation.

(3) Whenever practicable, the wife, dependent children, and servants of persons enumerated in paragraph (b) (1) of this section; also other dependent members of the family when residing with such persons provided they are not legally dependent upon an individual not in the military service.

(4) Civilian employees of the Army (including civilian employees of exchanges) at stations or in the field, where other medical attendance cannot be procured.

(5) Civilian employees of the United States Government who receive personal injuries in the performance of official duty who may report for treatment at an Army dispensary or hospital upon request of the officer under whom they are employed, provided other Government hospitals for the treatment of such employees are not convenient of access. (R.S. 161; 5 U.S.C. 22) [Par. 2, AR 40-505, Sept. 1, 1942]

§ 77.3 *Civilian medical attendance for military patients at public expense—(a) General authorization.* Subject to the conditions and limitations specified herein, civilian medical attendance at public expense is authorized for personnel specified in paragraph (b) of this section, when the required attendance cannot be provided from available facilities of the Army or other Federal agency: *Provided,* That this will not apply to military personnel who obtained elective medical treatment in civilian hospitals or by civilian physicians.

(b) *For whom authorized.* Civilian medical attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, warrant officers, cadets, enlisted men, contract surgeons (full time), and members of the Women's Army Auxiliary Corps and of the Army Specialist Corps of the Army of the United States in the Federal service when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian medical attendance is not authorized for the personnel enumerated when absent without leave.

(2) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(3) An applicant for enlistment while under observation.

(c) *Ordinary medical attendance.*

(1) An individual for whom civilian medical attendance is authorized under paragraph (b) above, and who is serving without an immediate local commanding officer, may engage civilian medical attendance without reference to higher authority when the urgency of the situation does not permit obtaining prior approval by higher authority or when he or

she is serving beyond the continental limits of the United States, and not under the jurisdiction of a commanding general of a service command. Under all other circumstances such an individual will obtain prior approval from higher authority (see subparagraph (3) of this paragraph). When, under the provisions of this subparagraph, civilian medical attendance is engaged without prior authority, the report required by paragraph (g) below will be made.

(2) A local commanding officer may engage or authorize necessary civilian medical attendance for himself or for any person under his jurisdiction under any one of the following conditions:

(i) When the cost will not exceed \$100, unless the individual for whom the medical attendance is required is serving beyond the continental limits of the United States and not under the jurisdiction of a commanding general of a service command.

(ii) When the urgency of the situation does not permit obtaining prior approval by higher authority. See paragraph (g) below for report required.

(3) Where prior approval by higher authority is required for civilian medical attendance, the authority to grant such approval is vested in the commanding general of a service command. See paragraph (f) below.

(d) *Specialist service.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, the engagement at public expense of a civilian specialist is subject to prior approval of the commanding general of the service command.

(2) When it is impracticable to obtain prior approval of the commanding general of the service command or when the services of a civilian specialist are immediately necessary to save life or prevent suffering or distress, such services may be authorized or engaged by the appropriate commanding officer, or by the individual concerned if there is no local commanding officer. Under these circumstances the report required by paragraph (g) below will be made.

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases, and then only when recommended by the Surgeon General upon the express approval of the Secretary of War.

(f) *Requests for authority to engage civilian medical attendance.* When medical attendance is required, requests for authority to engage such attendance will normally be made in writing, transmitted through channels, but in emergency may be transmitted by telegraph or radio direct to the approving authority. (See paragraphs (c) (3) and (d) of this section.) The request will include—

(1) *For ordinary medical attendance.*

(i) Character and extent of disability.

(ii) Statement whether disability is or is not chronic.

(iii) Place of duty and duties upon which the individual is engaged.

(iv) Status—duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(2) *For specialist service.* (i) Diagnosis in the case.

(ii) Professional procedure considered necessary and estimate of time required for treatment.

(iii) Statement of condition of patient and the practicability of his transfer to an Army or other Federal hospital for the necessary treatment.

(iv) Place of duty and duties upon which the individual is engaged.

(v) Status—duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(vi) Estimate of the cost.

(g) *Individual surgical and orthopedic appliances.* Surgical or orthopedic appliances for individual patients will be paid for from public funds only upon satisfactory evidence of their necessity and with the approval of the commanding general of the service command.

(h) *Allowances.*—(1) *Compensation allowed to civilian physician.* (i) Ordinary medical attendance on public account at garrisoned stations or camps will not exceed the following rates, and if the local charge per visit is less than these rates the account will be rendered at the local rates: For attending station or sick call, five patients or fewer, \$4; for each patient in excess of five, 50 cents; for each additional visit to station or sick call when necessary on the same day, \$4.

(ii) Where there is a large sick report and the service may be required for an extended period, and the aggregate charge for a month is likely to exceed \$150, application will be made to the commanding general of the service command for authority to employ a physician by the month.

(iii) Accounts arising at stations or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at rates considered reasonable by the approving authority.

(iv) The compensation allowed to each civilian physician for the physical examination of applicants for enlistment in the Regular Army and the Regular Army Reserve, when such examinations are authorized by regulations or orders, will not exceed the following rates: For a single examination \$2 and \$1 for each additional examination made on the same day. Applicants for the Regular Army and the Regular Army Reserve will be counted together in the total examined for the day at any particular station, as prescribed in AR 155-5. A physician employed at different stations on the same day will be allowed these rates in full for the examinations made at each station. He will be allowed in the case of authorized vaccinations 50 cents for administration of each dose of vaccine (such as smallpox or typhoid vaccine). See AR 600-750.

(v) Civilian physicians employed, in the absence of a medical officer or con-

tract surgeon, for the physical examination or vaccination of officers, enlisted men, or other persons under the provisions of regulations or orders from competent authority, will, except as otherwise provided by competent orders and regulations or directed by The Surgeon General, be paid at the rates prescribed above for the examination and vaccination of applicants for enlistment.

(2) *Charges for other civilian attendance.* Accounts for civilian hospital service, for special nursing, for medicines, for ambulance, and for sundry items of civilian medical service may be allowed at reasonable rates approved by The Surgeon General. (R. S. 161; 5 U.S.C. 22) [Par. 3, AR 40-505, September 1, 1942]

§ 77.4 *Treatment in hospitals of other Government services.*—(a) *For whom authorized.* When Army hospitals are not available, treatment in other Federal hospitals at public expense is authorized for the following personnel, and none other:

(1) Officers, Army nurses, warrant officers, cadets, enlisted men, contract surgeons (full time), and members of the Women's Army Auxiliary Corps and of the Army Specialist Corps of the Army of the United States in the Federal service when on a duty status or while absent from duty on authorized leave or absent without leave.

(2) A prisoner in military custody.

(3) An applicant for enlistment while under observation.

(b) *Subsistence.* Subsistence charges will be at the rate prescribed by the individual hospital. Payment for subsistence will not be made to the hospital by the individual concerned. The Surgeon General will collect the subsistence charges from any officer, Army nurse, warrant officer, or contract surgeon (full time), so hospitalized, and deposit it to the proper appropriation. (R.S. 161; 5 U.S.C. 22) [Par. 4, AR 40-505, Sept. 1, 1942]

§ 77.6 *Physical examination of civilians by medical officer.* In addition to making physical examinations of civilians who are applicants for admission to the Army or who are applicants for admission to or members of Reserve Officers' Training Corps units, medical officers will, without charge, conduct physical examinations of civilians as follows:

(g) Honorably discharged enlisted men, sailors, and marines applying under the act of Congress, approved July 11, 1919, for positions under the War Department requiring a medical certificate. (R.S. 161; 5 U.S.C. 22) [Par. 6, AR 40-505; Sept. 1, 1942]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-9338; Filed, September 25, 1942; 9:59 a. m.]

## Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation No. 2]

### PART 105—ESTABLISHMENT OF MILITARY AREAS

#### PROHIBITED AND RESTRICTED ZONES: EASTERN MILITARY AREAS

##### Correction

Section 105.2 (i) (10), appearing on page 7337 of the issue for Friday, September 18, 1942, should read as follows:

(10) No person not in the armed forces or a member of an enforcement agency engaged in the performance of his official duties shall use or operate at any time or place within any of the Restricted Zones B-1 and B-4 to B-69, inclusive, any camera, any binocular, field glass or similar instrument in the nature of visual aid, or any signal device or instrument in the nature of a signal device.

The next to the last line in the middle column of page 7337 should be deleted.

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 3217]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### KONDI COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's "Kondi Worm Specific and Conditioner", or any other similar product, and among other things, as in order set forth, representing, directly or by implication, that respondent's preparation (1) will expel or destroy all intestinal parasites or worms in dogs; (2) constitutes an effective anthelmintic for hookworms or roundworms in dogs; and (3) has any therapeutic value in the removal of whipworms or dipylbothrium type of tapeworm from dogs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kondi Company, Docket 3217, September 21, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer, etc., in commerce, of respondent's "Kondi Worm Specific and Conditioner", or any other similar product, and among other things, as in order set forth, representing (1) directly or by implication, that respondent's preparation has any value in the treatment of distemper in dogs; (2) directly or by implication, that respondent's preparation constitutes a competent or effective treatment for running or barking fits in dogs; (3) in any manner, either directly or by implication, that respondent's preparation constitutes a conditioner for dogs; and (4) directly or

by implication, that respondent's preparation is a harmless anthelmintic or that it can be safely used in the treatment of any condition associated with worms in dogs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kondi Company, Docket 3217, September 21, 1942]

#### In the Matter of J. E. Miller, Kondi Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of the complaint, taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, and briefs filed by counsel for the Commission and by the respondent; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, J. E. Miller, an individual doing business as Kondi Company, or trading under any other name, his representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of his product "Kondi Worm Specific and Conditioner," or any other preparation or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent's preparation will expel or destroy all intestinal parasites or worms in dogs;

(2) Representing, directly or by implication, that respondent's preparation constitutes an effective anthelmintic for hookworms or roundworms in dogs;

(3) Representing, directly or by implication, that respondent's preparation has any therapeutic value in the removal of whipworms or dipylbothrium type of tapeworm from dogs;

(4) Representing, directly or by implication, that respondent's preparation has any value in the treatment of distemper in dogs;

(5) Representing, directly or by implication, that respondent's preparation constitutes a competent or effective treatment for running or barking fits in dogs;

(6) Representing in any manner, either directly or by implication, that respondent's preparation constitutes a conditioner for dogs;

(7) Representing, directly or by implication, that respondent's preparation is a harmless anthelmintic or that it can be safely used in the treatment of any condition associated with worms in dogs.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9546; Filed, September 26, 1942; 11:17 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division

#### PART 625—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOMEWORKERS IN THE BUTTON AND BUCKLE MANUFACTURING INDUSTRY

In the matter of the recommendation of Industry Committee No. 43 for a minimum wage rate in the Button and Buckle Manufacturing Industry.

Whereas on March 14, 1942, by Administrative Order No. 143, the Administrator, acting pursuant to Sections 5 and 8 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 43 for the Button and Buckle Manufacturing Industry, and directed the Committee to recommend minimum wage rates for the Button and Buckle Manufacturing Industry in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Button and Buckle Manufacturing Industry, and a like number representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Button and Buckle Manufacturing Industry is carried on; and

Whereas Industry Committee No. 43, on March 27, 1942, after investigation of conditions in the Industry, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the Button and Buckle Manufacturing Industry; and

Whereas after notice published in The FEDERAL REGISTER on April 4, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing on April 23, 1942, at New York, New York, upon the Committee's recommendation and upon the question of what, if any, prohibition, restriction or regulation of home work is necessary to carry out the purposes of the wage order for the Button and Buckle Manufacturing Industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein, in the event an order is issued approving the recommendations of the Committee, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas by notice published in the FEDERAL REGISTER on May 12, 1942, opportunity to submit written briefs was afforded all parties; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for a minimum wage rate for the Button and Buckle Manufacturing Industry, as defined in Administrative Order No. 143, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act and that it is necessary to include terms and conditions in the wage order for this industry with respect to industrial home work to carry out the purpose of such order, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 43 for a Minimum Wage Rate in the Button and Buckle Manufacturing Industry and Industrial Home Work in the Button and Buckle Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York;

Now, therefore, it is ordered, That:

Sec.

625.1 Approval of recommendation of Industry Committee.

625.2 Wage rate.

625.3 Restriction of home work.

625.4 Posting of notices.

625.5 Definition of the Button and Buckle Manufacturing Industry.

625.6 Scope of the definition.

625.7 Effective date.

AUTHORITY: §§ 625.1 to 625.7, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

§ 625.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 625.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Button and Buckle Manufacturing Industry who is engaged in commerce or in the production of goods for commerce.

§ 625.3 *Restriction of home work.* No work in the Button and Buckle Manufac-

turing Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after November 30, 1942, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Button and Buckle Manufacturing Industry prior to April 4, 1942, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in § 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations, and who is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

§ 625.4 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the Button and Buckle Manufacturing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 625.5 *Definition of the Button and Buckle Manufacturing Industry.* The Button and Buckle Manufacturing Industry, to which this order shall apply, is hereby defined as follows:

The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal, for use on apparel, but not including the manufacture of products covered by any definition of an industry in any administrative order heretofore issued.

§ 625.6 *Scope of the definition.* The definition of the Button and Buckle Manufacturing Industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 625.7 *Effective date.* This wage order shall become effective October 19, 1942.

Signed at New York, New York, this 19th day of September 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Dec. 42-9563; Filed, September 25, 1942; 11:30 a. m.]

# PART 625—MINIMUM WAGE RATES AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOME WORKERS IN THE BUTTON AND BUCKLE MANUFACTURING INDUSTRY

The following regulations, §§ 625.100 to 625.112, inclusive, applicable to the employment of industrial home workers in the Button and Buckle Manufacturing Industry are hereby issued pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, and § 625.3<sup>1</sup> of the regulations of the Wage and Hour Division. These regulations shall become effective, December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Whereas section 8 (f) of the Fair Labor Standards Act of 1938 provides as follows:

Orders issued under this section shall \* \* \* contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein. \* \* \*

and

Whereas § 625.3 of the wage order for the Button and Buckle Manufacturing Industry issued pursuant to section 8 (f) of the Act provides as follows:

No work in the Button and Buckle Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after November 30, 1942, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Button and Buckle Industry prior to April 4, 1942, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in § 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

and

Whereas section 11 (c) of the Act provides as follows:

Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

Now, therefore, the following regulations are hereby issued. These regulations shall become effective on December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

<sup>1</sup>Supra.



- Sec.  
 625.101 Definitions.  
 625.102 Application on official forms.  
 625.103 Terms and conditions for the issuance of certificates.  
 625.104 Investigation may be ordered to determine whether the facts justify the issuance of certificate.  
 625.105 Termination of certificates.  
 625.106 Revocation and cancellation.  
 625.107 Preservation of certificate.  
 625.108 Records and reports.  
 625.109 Wage rates.  
 625.110 Delegation of authority to grant, deny or cancel a certificate.  
 625.111 Petition for review.  
 625.112 Petition for amendment of regulations.

§ 625.101 *Definitions.* As used in these regulations, the term "industrial home work" means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, for an employer, of goods from material furnished directly by or indirectly for such employer.

"The Button and Buckle Manufacturing Industry" as used herein means:

The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal, for use on apparel, but not including the manufacture of products covered by any definition of an industry in any administrative order heretofore issued.

§ 625.102 *Application on official forms.* Certificates authorizing the employment of industrial home workers in the Button and Buckle Manufacturing Industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour Division. Such forms shall be signed by both the home worker and the employer.

§ 625.103 *Terms and conditions for the issuance of certificates.* If the application is in proper form and sets forth facts showing that the worker:

(1) (a) Was engaged in industrial home work in the button and buckle manufacturing industry prior to April 4, 1942; or

(b) Is or will be engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in § 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations; and

(2) Is unable to adjust to factory work because of age or physical or mental disability; or

(3) Is unable to leave home because the worker's presence is required to care for an invalid in the home;

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the Button and Buckle Manufacturing Industry.

No home worker shall perform industrial home work for more than one employer in the Button and Buckle Manufacturing Industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the Button and Buckle Manufacturing Industry.

§ 625.104 *Investigation may be ordered to determine whether the facts justify the issuance of certificate.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 625.105 *Termination of certificates.* Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under these regulations.

§ 625.106 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. In any proceedings for the revocation or cancellation of a certificate, interested parties shall be provided an opportunity to be heard.

§ 625.107 *Preservation of certificate.* A copy of the certificate shall be sent to the home worker, who shall keep such certificate on the premises on which the work is performed.

A copy of the certificate shall be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 625.108 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by regulations, Part 516, and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

Each employer of industrial home workers in the Button and Buckle Manufacturing Industry shall submit to the regional office of the Wage and Hour Division for the region in which his place of business is located on April 1 and October 1 of each year, the home work handbooks of each employee employed by him during the preceding six month period in industrial home work in the Button and Buckle Manufacturing Industry. This report shall also include a list of the names, addresses, and certificate numbers of home workers for whom home work certificates have been obtained but who were not employed in industrial home work in the Button and Buckle Manufacturing Industry during such period.

§ 625.109 *Wage rates.* Wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his home work employees except as subminimum employment of specific handicapped workers has been provided

for by special certificates issued by the Wage and Hour Division pursuant to regulations, Parts 524 and 525. All hours worked in excess of 40 in any workweek shall be compensated for at one and one-half times the regular rate of pay.

§ 625.110 *Delegation of authority to grant, deny or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel home work certificates.

§ 625.111 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 625.112 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing Regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the rules and regulations is set forth, the Administrator will either schedule a hearing with due notice to interested persons or will make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes. The foregoing sections are issued pursuant to § 625.3 of the Regulations of the Wage and Hour Division and sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938.

Signed at New York, New York this 19th day of September, 1942..

L. METCALFE WALLING,  
 Administrator.

[F. R. Doc. 42-9562; Filed, September 25, 1942; 11:30 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[No. 124]

#### REQUEST FOR TRANSFER FOR DELIVERY ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective

Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 154, entitled "Request for Transfer for Delivery," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup> The supply of DSS Form 154 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

AUGUST 25, 1942.

[F. R. Doc. 42-9518; Filed, September 24, 1942;  
3:09 p. m.]

[No. 125]

**AFFIDAVIT-OCCUPATIONAL CLASSIFICATION  
(INDUSTRIAL)**

**ORDER PRESCRIBING FORM**

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 42A, entitled "Affidavit-Occupational Classification (Industrial)," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup> The supply of original DSS Form 42A on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

SEPTEMBER 15, 1942.

[F. R. Doc. 42-9517; Filed, September 24, 1942;  
3:09 p. m.]

[No. 126]

**AFFIDAVIT-OCCUPATIONAL CLASSIFICATION  
(GENERAL)**

**ORDER PRESCRIBING FORM**

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 4, entitled "Affidavit-Occupational Classification (General)," effective immediately upon the filing hereof with the Division of the Federal Register.

<sup>1</sup> Filed a part of original document.

ister.<sup>1</sup> The original supply of forms will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

SEPTEMBER 15, 1942.

[F. R. Doc. 42-9515; Filed, September 24, 1942;  
3:09 p. m.]

[Order No. 57]

**HILL CITY PROJECT**

**ESTABLISHMENT FOR CONSCIENTIOUS  
OBJECTORS**

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Hill City Project to be work of national importance, to be known as Civilian Public Service Camp No. 57. Said camp, located near Hill City, Pennington County, South Dakota, will be the base of operations for reclamation work in the State of South Dakota, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 57 will consist of the reclamation of bridges, impounding dam, minor roads, clearing reservoir, and the fighting of forest fires, and shall be under the technical direction of the Bureau of Reclamation of the Department of the Interior insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
*Director.*

SEPTEMBER 23, 1942.

[F. R. Doc. 42-9516; Filed, September 24, 1942;  
3:09 p. m.]

**Chapter IX—War Production Board**

**Subchapter B—Director General for Operations**

**PART 978—UTILITIES: MAINTENANCE,  
REPAIR AND SUPPLIES**

[Supplementary Preference Rating Order  
P-46-b]

In accordance with the provisions of § 978.1 *Preference Rating Order P-46*<sup>1</sup> as amended, which the following order supplements:

§ 978.3 *Supplementary Preference Rating Order P-46-b*. The provisions of paragraph (f) (3) (ii) (b) of *Preference Rating Order P-46* as amended shall not apply to gas and electric service connections required to permit the operation of a gas or electric range in the dwelling of a domestic consumer; *Provided, That:*

(a) Complete facilities are not installed for serving either a gas range or an electric range;

(b) The dwelling proposed for connection is not equipped with a range of any kind;

(c) Connections (including any additional service drop, primary, secondary, and ground conductor, but excluding service entrance conductor and interior wiring) can be made with an expenditure by the producer of not more than the following amounts of material:

(i) In the case of an electric range, 15 pounds of copper, or

(ii) In the case of a gas range, 75 feet of one and one-quarter inch steel pipe, or any length of steel pipe weighing in the aggregate not more than 170 pounds.

(P.D. Reg. 1, as amended, 6 F.R. 6830; W.P.B. Reg. 1, 7 F.R. 551; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
*Director General for Operations.*

[F. R. Doc. 42-9557; Filed, September 25, 1942;  
11:24 a. m.]

**PART 1095—COMMUNICATIONS**

[Amendment 1 to General Conservation  
Order L-143]

Section 1095.4 *General Conservation Order L-143*<sup>2</sup> is hereby amended in the following particulars:

Paragraph (b) is hereby amended to read as follows:

(b) *General restrictions.* (1) On and after the fifteenth day following the date of issue of this order, regardless of the terms of any contract of sale, purchase, rental or other commitment, no manu-

<sup>1</sup> 7 F.R. 2343, 4639, 5272, 5393, 7234.  
<sup>2</sup> 7 F.R. 7031.

facturer, distributor or dealer shall accept any purchase, rental or other order for wire communication equipment, parts or attachments thereto including, but not limited to, those included in Schedule A which is attached and made a part of this order, except a purchase, rental or other order bearing a Preference Rating of A-7 or higher; and no manufacturer, distributor, or dealer shall sell, lend, lease, rent, deliver, or otherwise transfer any such wire communication equipment, parts or attachments thereto nor shall any person receive or accept deliveries of any such equipment, parts or attachments thereto except to fill a purchase, rental or other order bearing a Preference Rating of A-7 or higher: *Provided, however,* That this paragraph shall not prohibit the transfer or delivery of wire communication equipment to a manufacturer for repair or storage or the return of said equipment to the owner thereof after repair has been effected or storage terminated.

(2) Notwithstanding the provisions of paragraph (b) (1), in the event that a manufacturer, distributor or dealer shall have delivered prior to September 8, 1942, wire communication equipment under a particular order therefor representing 90 percent or more of the total dollar sale value of the equipment ordered, delivery of the balance of such order may be made and accepted on or before October 15, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9560; Filed, September 25, 1942;  
11:40 a. m.]

#### PART 1177—SPICES

[Conservation Order M-127, as Amended  
September 25, 1942]

Section 1177.1, *Conservation Order M-127*, is amended to read as follows:

§ 1177.1 *Conservation Order M-127*—  
(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Restricted spice" means any specific spice which, during any quota period, is subject to a quota determined for that period by the Director General for Operations, and shall include such spice in ground, unground, distilled, mixed or other form.

(2) "Bulk dealer" means any person who deals in restricted spices exclusively in original import packages.

(3) "Packer" means any person who grinds, distills, or packs restricted spices owned by him, or has such spices ground, distilled, or packed for his account by some other person, for resale.

(4) "Receiver" means any person who accepts delivery of restricted spices for resale at wholesale or retail or for use in operating a public or private commercial or institutional eating place; but shall not include any bulk dealer nor any person in the quota-exempt classes listed under paragraph (c) (2).

(5) "Industrial user" means any person who uses restricted spices in the manufacture or processing of any other product for resale.

(c) *Quota restrictions.* (1) Except as permitted in paragraphs (c) (2), (c) (3), and (c) (4) below, no packer shall deliver, no receiver shall accept, and no industrial user shall use more of any restricted spice during any quota period than his quota thereof for that period, such quota period and quota to be determined by the Director General for Operations from time to time.

(2) Without charge to his quota, any person may deliver, accept, or use any restricted spice for delivery to or for any of the following persons, for use in the manufacture or processing of any product to be so delivered, or for replacing in his inventory any restricted spice so delivered or used:

(i) The Army or the Navy of the United States, or any Agency of the United States Government for supplies to be delivered to, or for the account of, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American Red Cross or the United Service Organizations.

(iii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(iv) Any person, for retail sale through concession restaurants at Army or Navy camps or through outlets not operated for private profit and established primarily for the use of Army or Navy enlisted personnel within Army and Navy establishments or on Army or Navy vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(3) During the first third of any quota period, any person may utilize any unused portion of his quota for the preceding quota period. During the last third of any quota period, he may utilize any portion of his anticipated quota for the subsequent quota period: *Provided, however,* That, if the quota for such subsequent quota period is reduced by the Director General for Operations after such anticipatory utilization has been made, the amount of any excess anticipation shall be charged against the quota for the next subsequent quota period.

(4) The restrictions of paragraph (c) (1) shall not apply to any deliveries of restricted spices in the original import packages by a packer to another packer

or to a bulk dealer. In determining his volume during any base period specified for computing a quota, no packer shall include any deliveries made in the original import packages to other packers or to bulk dealers.

(5) Any person who was not in business during any base period specified for computing a quota hereunder shall consider his base period to be the earliest period of equal length that he was in business after the beginning of the base period specified.

(6) All quotas hereunder shall be computed in terms of pounds and in terms of a common weight equivalent.

(d) *Distribution restrictions.* (1) No person shall accept restricted spices from any packer or receiver, and no person shall deliver restricted spices to any other person, with knowledge or reason to believe that such packer or receiver is not entitled to deliver or that such other person is not entitled to accept such restricted spice pursuant to this order.

(2) Every packer and every receiver shall sell restricted spices equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(e) *Inventory restrictions.* Except for the purpose of filling orders under paragraph (c) (2) above, (1) no receiver shall accept delivery of any restricted spice which will increase his inventory thereof to an amount in excess of the amount of his then current quota of such spice.

(2) No industrial user shall accept delivery of any restricted spice which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory in view of the restrictions herein relating to his use of such spice.

(3) No receiver who had an excess inventory of any restricted spice on May 8, 1942 may sell or deliver more than a 90-day supply of such spice during any quota period in which the balance of such inventory at any time exceeds a 90-day supply. During any quota period, a 90-day supply shall be an amount equivalent to the receiver's acceptance quota of the restricted spice for that quota period. An excess inventory shall be considered to have existed on May 8, 1942 if, on that date, the receiver was subject to a quota and his inventory of any restricted spice (excluding any inventory then in retail stores or outlets owned by him) was more than twice the amount of his acceptance quota for that spice for the month of May 1942 under the original provisions of Order M-127 issued May 8, 1942.

(f) *Reports.* Every person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as such Board may from time to time request.

(g) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall,

<sup>1</sup> 7 F.R. 3444, 4450, 5663.



upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(1) *Applicability of order.* (1) The provisions of this order shall not apply outside the continental United States (which, for purposes of this order, means the 48 states and the District of Columbia).

(2) In the case of any person who combines two or more of the businesses of a packer, a receiver, or an industrial user, the provisions hereof applicable to each such business shall apply separately to such of his operations as are part of such class of business. However, any packer who distributes his entire production of restricted spices through a wholesale subsidiary company may elect to consider the two companies as one and apply his quota to deliveries made by the subsidiary company.

(3) Any person who operates more than one unit (branch, division, store, subsidiary company, or other similar unit) in the same class of business may, at his election, consider any such units or groups of units as separate persons for purposes of applying the quota and inventory restrictions of this order.

(4) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C. Ref: M-127. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9556; Filed, September 25, 1942;  
11:24 a. m.]

#### PART 1177—SPICES

[Supplementary Order M-127-b]

§ 1177.3 *Supplementary Order M-127-b.* Pursuant to Order M-127, as amended September 25, 1942, which this order supplements, the Director General for Operations hereby determines that, for the 3-month period commencing October 1, 1942 and for each subsequent 3-month period until otherwise ordered:

(a) The quota of any restricted spice, as listed below, for any packer, any receiver, or any industrial user shall be the below-listed percentage of the amount of such spice delivered by him (if he was a packer), accepted by him (if he was a receiver), or used by him (if he was an industrial user) during the corresponding period of 1941 or during such other base period as is provided for in paragraph (c) (5) of said order M-127:

Restricted spice:	Quota percentage
Black pepper.....	80
Cassia (cinnamon).....	80
Cloves.....	80
Ginger.....	100
Mace.....	75
Nutmeg.....	75
Pimento (allspice).....	75
White pepper.....	75

(b) In place of a quota computed pursuant to paragraph (a) above, any person may avail himself of a quota of a total of 100 pounds of any restricted spice or any combination of restricted spices.

(c) In place of a quota of white pepper computed pursuant to paragraph (a) above, any person may substitute a quota of black pepper, computed by applying the quota percentage specified for black pepper to the base quantity of white pepper specified in paragraph (a) above.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9555; Filed, September 25, 1942;  
11:24 a. m.]

#### PART 1199—METAL HAIRPINS AND METAL BOB PINS

[General Limitation Order L-104, as  
Amended September 25, 1942]

Section 1199.1 *General Limitation Order L-104* is hereby amended to read as follows:

§ 1199.1 *General Limitation Order L-104*—(a) *General restrictions.* (1) During the period from September 25, 1942, to September 30, 1942, inclusive,

7 F.R. 3080, 6207.

no manufacturer shall produce more metal hairpins and metal bob pins in the aggregate than 5 times 12½% of the daily average (Sundays and holidays excluded) of pounds of metal hairpins and metal bob pins in the aggregate produced by him during the calendar year 1941.

(2) During the period of three months beginning October 1, 1942, and during each three months' period thereafter, no manufacturer shall produce more metal hairpins and metal bob pins, in the aggregate, than 6¼% of the pounds of metal hairpins and metal bob pins, in the aggregate, produced by him during the calendar year 1941.

(3) On and after May 6, 1942, no manufacturer shall produce any metal hairpins or metal bob pins of a length greater than two inches.

(4) On and after September 25, 1942, no manufacturer shall sell any metal hairpins or metal bob pins except in packages or on cards containing 100 metal hairpins or metal bob pins or less.

(b) *Inventory restrictions.* No manufacturer shall accumulate for use in the production of metal hairpins and metal bob pins inventories of raw materials or semi-processed materials in quantities in excess of the amount necessary to maintain production of metal hairpins and metal bob pins for 30 days at the rates permitted by this order.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall,

unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref.: L-104.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Applicability of other orders.* In so far as any other order issued by the Director of Priorities, the Director of Industry Operations or by the Director General for Operations, or to be issued hereafter by the Director General for Operations, limits the use of any iron and steel in the production of metal hairpins or metal bob pins to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9554; Filed, September 25, 1942;  
11:24 a. m.]

#### PART 1213—SAFETY EQUIPMENT

[Interpretation 1 of General Limitation Order L-114]

The following official interpretation is issued by the Director General for Operations, with respect to § 1213.1 *General Limitation Order L-114*:<sup>1</sup>

"Measuring instruments" and "indicating instruments", as used in paragraph (a) of Limitation Order No. L-114, refer to instruments manufactured or used to promote safety, or to prevent or reduce accidents, injuries, occupational hazards, or diseases. Typical measuring and indicating instruments of the kinds contemplated, are used to detect gases or dangerous substances, the unknown presence of which might lead to explosions or other hazards. "Measuring instruments" and "indicating instruments" which are "industrial instruments" as defined in Limitation Order No. L-134,<sup>2</sup> are not "safety equipment".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

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<sup>1</sup> 7 F.R. 3369, 4273, 4537, 6869.

<sup>2</sup> 7 F.R. 7142.

#### PART 3084—CASTOR OIL

[General Preference Order M-235]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of castor oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3084.1 *General Preference Order M-235*—(a) *Definitions.* For the purposes of this order:

(1) "Castor oil" means that oil obtained from the castor bean, commonly known as castor oil, whether crude, raw, filtered, refined, blown or dehydrated.

(b) *Restrictions on use, processing and delivery.* (1) Subject to paragraph (c) hereof, no person shall on and after October 1, 1942, use, consume or process castor oil except as specifically authorized by the Director General for Operations.

(2) The Director General for Operations in his discretion may from time to time issue special directions to any person with respect to the use, processing, or delivering by such person of any castor oil.

(c) *Special exceptions.* Specific authorization shall not be required by any person:

(1) To use, consume or process in any one calendar month not more than 35 pounds of castor oil;

(2) To press, bleach or alkali refine any quantity of castor oil; or

(3) To use or consume any quantity of castor oil for medicinal purposes.

(d) *Applications and reports.* (1) Each person seeking authorization to use, consume or process castor oil during any calendar month beginning with November 1, 1942 (except as provided in paragraph (c) hereof) shall file application therefor on or before the 15th day of the month preceding the month for which authorization to use, consume or process is sought. For use, consumption or processing in October, 1942, application may be made at any time. In either case, the application shall be made on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Three certified copies shall be prepared and filed with the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-235.

(iii) In the heading, under name of chemical, specify "Castor oil"; under WPB Order No., specify M-235; under unit of measure, specify pounds; under name of your company, specify name and mailing address; leave delivery destination, supplier with whom order is placed and his shipping point blank; and in phrase "Application for delivery next month" strike out word "delivery" and substitute word "use" and specify the month and year for which authorization to use, consume or process is sought.

(iv) In Columns 1 and 11, specify grade, as indicated by the following examples: crude, refined, dehydrated, polymerized, blown.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following: protective coatings, synthetic rubber, rubber factice, dye mordant, core oil, sulfonated oil, lubricating oil additive, medicinal and pharmaceutical preparations (identify), cosmetics, hydraulic brake fluid, textiles, real and imitation leathers, other products (specify).

(vi) In Column 4, specify ultimate use of product (as, for example, "airplane seat," as opposed to "imitation leather" which may be the primary product called for in Columns 3, 20 and 22), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in Column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of castor oil used in manufacture or preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

(viii) Columns 9, 17, 18, and 19 shall be left blank.

(2) Each person affected by this order shall file such other reports at such times and with respect to such matters as the Director General for Operations may from time to time direct.

(e) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref.: M-235. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

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## Chapter XI—Office of Price Administration

## PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Maximum Price Regulation 225]

## PRINTING AND PRINTED PAPER COMMODITIES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of printing and printed paper products by a separate maximum price regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation, which apply to the sale of certain printed paper commodities and to printing and related services in connection therewith, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act.

So far as practicable the Price Administrator has given due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability, and has consulted with representatives of trade and industry.

A statement of considerations involved in the issuance of this regulation is issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, this Maximum Price Regulation No. 225 (Printing and Printed Paper Commodities) is hereby issued.

NOTE: The meaning of certain provisions and terms of this Maximum Price Regulation No. 225 is further explained and defined in § 1347.472. The explanations and definitions are set forth in alphabetical order. The terms explained and defined are quoted the first time they appear in the text.

- Sec.
- 1347.451 Prohibition against dealing in commodities or services above maximum prices.
  - 1347.452 Maximum prices for commodities and services; general provisions.
  - 1347.453 Maximum prices for services and for "original sales" of commodities which cannot be priced under § 1347.452.
  - 1347.454 Maximum prices for "resales" of commodities which cannot be priced under § 1347.452.
  - 1347.455 Similar commodities or services subsequently sold.
  - 1347.456 Maximum prices for commodities and services which cannot be priced under the foregoing provisions of this regulation.
  - 1347.457 Transfers of business or stock in trade.
  - 1347.458 Export sales.
  - 1347.459 Federal and state taxes.
  - 1347.460 Less than maximum prices.
  - 1347.461 Conditional agreements.
  - 1347.462 Evasions.
  - 1347.463 Base-period "records" and reports.
  - 1347.464 Current records.
  - 1347.465 Sales slips and receipts.
  - 1347.466 Licensing.
  - 1347.467 Registration of licensees.
  - 1347.468 Enforcement.
  - 1347.469 Applications for adjustment.
  - 1347.470 Petitions for amendment.

- Sec.
- 1347.471 Applicability of General Maximum Price Regulation.
  - 1347.472 Definitions and explanations.
  - 1347.473 Applicability.
  - 1347.474 Effective date.
  - 1347.475 Appendix A: Commodities.
  - 1347.476 Appendix B: Services.

AUTHORITY: §§ 1347.451 to 1347.476, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1347.451 *Prohibition against dealing in commodities or services above maximum prices.* (a) On and after September 29th, 1942, regardless of any contract or other obligation:

(1) No "person" shall "sell" or deliver any of the "commodities" listed in Appendix A (§ 1347.475) and no person shall sell or supply any of the "services" listed in Appendix B (§ 1347.476) at a price higher than the maximum price permitted by this Maximum Price Regulation No. 225; and

(2) No person, in the course of trade or business, shall buy or receive any of said commodities or services at a price higher than the maximum price permitted by this Maximum Price Regulation No. 225: *Provided*, That in the case of the sale or supply of services or the original sale of commodities for which a maximum price has been established by this Maximum Price Regulation No. 225, the purchaser shall be deemed to have complied with this subparagraph (2) if: (i) the purchaser shall receive from the "seller" a written affidavit that the seller has calculated the maximum price for said commodity or service in accordance with the provisions of this regulation and has filed with the Office of Price Administration the reports required by § 1347.463, and (ii) the purchaser shall have no knowledge of the maximum price applicable beyond the statements made to him by the seller, and no cause to doubt the accuracy of the affidavit, and (iii) the price paid by the purchaser is not in excess of the maximum price as sworn to by the seller.

(b) The provisions of this § 1347.451 shall not be applicable to sales of any service or to sales or deliveries of any commodity to a purchaser if, prior to September 29, 1942, the commodity sold or in connection with which the service had been rendered had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

(c) The provisions of this Maximum Price Regulation No. 225 shall not be applicable to any persons engaged primarily in the business of publishing, printing, typesetting, platemaking, binding, or rendering related services, or any combination thereof, whose total gross sales in 1941 of printed "papers" and printed paper products and services in connection therewith did not exceed \$20,000. This exemption, however, shall not apply to any person who was not engaged primarily in any of said businesses, or any combination thereof, throughout the calendar year 1941.

\*Copies may be obtained from the Office of Price Administration.

Such person shall be subject to the provisions of this regulation unless and until he shall have been primarily engaged in one or more of said businesses, or any combination thereof, for an entire calendar year, during which year his total gross sales of printed papers and printed paper products and services in connection therewith did not exceed \$20,000.

§ 1347.452 *Maximum prices for commodities and services; general provisions.* Except as otherwise provided in this Maximum Price Regulation No. 225, the seller's maximum price for any commodity or service for which maximum prices are established by this regulation shall be the "highest price charged by the seller during March, 1942" as defined in § 1347.472, subparagraph (6) of this regulation.

(a) For the same commodity or service; or

(b) If no charge was made for the same commodity or service, for the "similar commodity or service" most nearly like it.

§ 1347.453 *Maximum prices for services and for "original sales" of commodities, which cannot be priced under § 1347.452.* The seller's maximum price for a service or for an "original sale" of a commodity which cannot be priced under § 1347.452 of this Maximum Price Regulation No. 225 shall be established in accordance with the seller's customary methods of computing prices on the basis of cost of materials, production charges and margins. Such maximum price shall be a combination of the items set forth below in this § 1347.453.

(a) *Cost of materials.* An item for the actual "delivered" net cost to the seller of the materials used in producing the commodity or supplying the service: *Provided*, That in no event shall such cost exceed the maximum price, for purchase of the materials by the seller, established by the Office of Price Administration. If during March, 1942, the seller used, or, if in making such sale, would have used a method of averaging or otherwise computing his material costs, he shall continue such method in employing this pricing provision.

(b) *Production charges.* An item for charges for hand and machine operations which shall employ the same hourly and piece rates used by such seller in determining the selling price of the most nearly "comparable commodity or service" sold or "supplied" or offered for sale or supply by him during March, 1942. The same standards of production and the same methods or principles of applying production charges shall be employed as were employed during March, 1942, so that direct and indirect production charges shall be computed in the manner customarily employed during March, 1942. Charges for a different type of operation employed in producing any product or service (for example, hand rather than machine operation) shall not be substituted for customary production charges as a means of increasing the price of the product or the service.

No hourly or piece rate, other than a lower rate for an identical operation, shall be employed which was not used by the seller in March, 1942, until it has been filed with the Office of Price Administration in Washington, D. C. in the manner provided in § 1347.463 of this Maximum Price Regulation No. 225. Such new hourly or piece rate shall be a rate which the seller would have used in March, 1942, and shall be in line with the seller's schedule of production charges actually employed during March, 1942.

(c) *Margin.* An item for a margin over the cost of materials and production charges (i. e., paragraph (a) plus paragraph (b)) computed on the same percentage basis, or on the same rate per unit of material, or on a combination thereof and by the same method as the seller employed in pricing the most nearly comparable commodity or service sold, supplied or offered for sale or supply during March, 1942, to a "purchaser of the same class" as defined in § 1347.472, paragraph (13) of this regulation. If during March, 1942, the seller employed the practice of including his charges for margin in his hourly and piece rates for hand and machine operations, he shall continue such practice in pricing any commodity or service under this section, and in such a case the seller shall make no duplicate calculation for margin under this paragraph (c). No new rate for margin, other than a lower rate for the sale of a comparable commodity or service to a purchaser of the same class, shall be employed which was not used by the seller in March, 1942, until it has been filed with the Office of Price Administration in Washington, D. C., in the manner provided in § 1347.463 of this Maximum Price Regulation No. 225. Such new rate for margin shall be a rate which the seller would have used in March 1942, and shall be in line with the seller's schedule of rates for margin actually employed during March 1942.

(d) No seller shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(e) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or in the supply of any commodity or service, than the seller required purchasers of the same class to pay during March, 1942, on deliveries or supplies of comparable types of commodities or services.

§ 1347.454 *Maximum prices for "resales" of commodities which cannot be priced under § 1347.452.* The seller's maximum price for the "resale" of a commodity which cannot be priced under § 1347.452 of this Maximum Price Regulation No. 225 shall be:

(a) The highest price charged during March, 1942, by the "most closely competitive seller of the same class" as defined in § 1347.472, paragraph (7) of this regulation—

(1) For the same commodity; or

(2) If no charge was made for the same commodity, for the similar commodity most nearly like it; or

(b) If a maximum price cannot be ascertained under paragraph (a) of this § 1347.454, a price determined by the seller in accordance with the following procedure:

(1) The seller shall select from the same general classification and price range as the commodity being priced under this paragraph (b) the comparable commodity for which a maximum price is established under § 1347.452 and of which the seller delivered the largest number of units during March, 1942:

(2) The seller shall divide his maximum price for that commodity by his "replacement cost" of that commodity; and

(3) The seller shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph (b).

The resulting figure shall be the maximum price of the commodity being priced. Within ten days after determining such maximum price under this paragraph (b), the seller shall report such price to the appropriate field office of the Office of Price Administration upon a form to be obtained from such office, duly filled out and signed under oath or affirmation.

§ 1347.455 *Similar commodities or services subsequently sold.* Any maximum price determined under § 1347.453, or paragraph (b) of § 1347.454 shall be subject to adjustment in writing at any time by the Office of Price Administration. In the absence of such adjustment, the maximum price so determined shall be the maximum price for all commodities or services subsequently sold or supplied which are the same or similar to the commodity or service for which a maximum price has been so determined, without regard to subsequent changes in cost.

§ 1347.456 *Maximum prices for commodities and services which cannot be priced under the foregoing provisions of this regulation.* Where a maximum price is sought for a commodity or a service which cannot be priced under the foregoing provisions of this Maximum Price Regulation No. 225, the maximum price for the commodity or service shall be a price approved by the Office of Price Administration. Application for such approval shall be filed in duplicate with the Office of Price Administration in Washington, D. C. The application shall contain:

(a) An "appropriate description and identification" of the commodity or service for which a price is being requested;

(b) A statement of the reasons why it cannot be priced except under this § 1347.456;

(c) A statement of the proposed maximum price. In the case of the sale of a service or the original sale of a commodity, the seller shall set forth separately the amount included in the proposed price for cost of materials, production charges and margin. In the case

of the resale of a commodity, he shall set forth separately his purchase price, transportation charges, if any, and mark-up.

Unless the Office of Price Administration or an authorized representative thereof shall, by letter mailed to the applicant within 21 days from the date of filing the application, disapprove the maximum price as reported, such price shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Administration.

§ 1347.457 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee and his status with regard to the exemptions provided for in §§ 1347.451 (c) and 1347.463 (c) shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all the records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 225.

§ 1347.458 *Export sales.* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1347.459 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity, or the sale or supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum prices for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 225.

(2) In all other cases, if, at the time the seller determines his maximum price,

<sup>1</sup> 7 F.R. 6059.

the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 225.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1347.460 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 225 may be charged, demanded, paid or offered.

§ 1347.461 *Conditional agreements.* No seller of any commodity or service for which maximum prices are established by this Maximum Price Regulation No. 225 shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by this regulation, in the event that this regulation is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment or for adjustment or for exception under § 1347.469 has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Request for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception under § 1347.469).

§ 1347.462 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 225 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities and services for which maximum prices are established by this regulation alone or in conjunction with any other commodity or service or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1347.463 *Base-period "records" and reports—(a) Preservation of existing records.* Every person selling commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 shall preserve for examination by the Office of Price Administration for a period of two years all his existing records relating to the prices which he charged for such of those commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 as he delivered or supplied during March 1942, and his "offering prices" for delivery or supply of such commodities or services during such month.

(b) *Statements by all sellers.* Every person making sales of commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 shall prepare, on or before October 29th, 1942, to the full extent of all available information and records, a statement showing:

(1) The highest prices which he charged for such of those commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 as he delivered or supplied during March 1942, and his offering prices for delivery or supply of such commodities or services during such month, together with an appropriate description or identification of each such commodity or service; and

(2) All his customary allowances, discounts and other price differentials.

Persons supplying a service or making an original sale of a commodity shall keep such statement for examination by a duly authorized representative of the Office of Price Administration. Persons making a resale of a commodity shall keep such statement for examination by any person during ordinary business hours.

(c) *Reports required from persons supplying services or making original sales.* Every person selling or supplying services or making original sales of commodities for which maximum prices are established by this Maximum Price Regulation No. 225 shall file, signed under oath or affirmation upon Form No. 325:1 to be obtained from the "appropriate field office of the Office of Price Administration:"

(1) A report showing all hourly and piece rates for hand and machine operations and all percentage and per piece rates for margins, and any combinations thereof, together with a statement of "pricing methods" and customary allowances, discounts and other price differentials employed by such person during March 1942, in determining the selling prices of any such commodities delivered and services supplied or offered for delivery or supply by such person during that period. Such report shall be filed with the Office of Price Administration in Washington, D. C., on or before November 28th, 1942.

(2) A report of any hourly and piece rates and rates for margin, not used by such person in March 1942, but subsequently proposed to be employed. Such report shall be filed with the Office of

Price Administration in Washington, D. C., prior to the employment of such rates. Unless the Office of Price Administration or a duly authorized representative thereof shall, by letter mailed to such person within 21 days from the filing of such report, disapprove such hourly and piece rates and rates for margin as reported, they shall be deemed to have been approved.

No report, however, under this paragraph (c) shall be required from persons engaged primarily in the business of publishing, printing, typesetting, platemaking, binding or rendering related services, or any combination thereof, whose total gross sales in 1941 of printed papers and printed paper products and services in connection therewith did not exceed \$50,000. This exemption, however, shall not apply to any person who was not engaged primarily in any of said businesses, or any combination thereof, throughout the calendar year 1941. Such person shall be subject to the provisions of this paragraph (c) unless and until he shall have been primarily engaged in one or more of said businesses, or any combination thereof, for an entire calendar year, during which year his total gross sales of printed papers and printed paper products and services in connection therewith did not exceed \$50,000.

§ 1347.464 *Current records.* Every person selling commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for such of those commodities or services as he sold after the effective date of this regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined the maximum prices for those commodities and services.

§ 1347.465 *Sales slips and receipts.* Any seller of commodities or services for which maximum prices are established by this Maximum Price Regulation No. 225 who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser, any such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

§ 1347.466 *Licensing—(a) License required.* A license as a condition of selling is hereby required of every person subject to this Maximum Price Regulation No. 225 now or hereafter making a resale of a commodity for which a maximum price is established by this regulation.

(b) *License granted.* Every person now or hereafter making a resale of any commodity for which a maximum price is established by this Maximum Price Regulation No. 225 is hereby granted a license as a condition of making such resale of such commodity. The provisions



of this Maximum Price Regulation No. 225 shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any such person becomes subject to the maximum price provisions of this regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, continue in force as long as such regulation, or any amendment or supplement thereto, remains in effect.

§ 1347.467 *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1347.468 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 225 are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 225 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district office, state office, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.469 *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 225 for any "seller at retail" of a commodity or service for which maximum prices are established by this Regulation in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities or services established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Temporary Procedural Regulation No. 2.

(b) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 225 for any seller other than a seller at retail of a commodity or service for which maximum prices are established by this regulation in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities or services; and

(2) That establishing for him a maximum price, bearing a normal relation

to the maximum prices established for competitive sellers of the same or similar commodities or services, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1.

(c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this Maximum Price Regulation No. 225 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant, together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this regulation to eliminate the danger of inflation.

§ 1347.470 *Petitions for amendment.* Any person seeking a modification of any provisions of this Maximum Price Regulation No. 225 or an adjustment not provided for in § 1347.469 of this regulation, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1347.471 *Applicability of General Maximum Price Regulation.*<sup>2</sup> The provisions of this Maximum Price Regulation No. 225 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of commodities and services for which maximum prices are established by this Maximum Price Regulation No. 225.

§ 1347.472 *Definitions and explanations.* (a) When used in this Maximum Price Regulation No. 225:

(1) "Appropriate description and identification" means a complete listing of the specifications, processes and other characteristics of the commodity or service, or of the various grades of commodities or services.

(2) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales of commodities and services are made.

(3) "Commodity" includes articles, products, and materials.

(4) "Comparable commodities and services". For the purposes of § 1347.453 only, one commodity or service shall be deemed comparable to another commodity or service if (i) the first has the same use as the second, (ii) affords the purchaser fairly equivalent serviceability,

(iii) is produced by the same or substantially the same productive operations, and (iv) is customarily priced by the same pricing method as the first, although its price as determined by such pricing method is not the same or substantially the same as the first.

(5) "Delivered". A commodity shall be deemed to have been "delivered" during March 1942, if during such month it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(6) "Highest price charged during March, 1942" means:

(i) The highest price which the seller charged for a commodity delivered or service supplied by him during March, 1942, to a purchaser of the same class; or

(ii) If the seller delivered no such commodity or supplied no such service during March 1942, his highest offering price for such delivery or supply during that month to a purchaser of the same class; or

(iii) If the seller did not deliver the commodity or supply the service to be priced and had no offering price for such commodity or service to a purchaser of the same class, it shall be the highest price charged by the seller during March 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers;

(iv) If, however, prior to April 1, 1942, the seller raised his prices for the sale of a commodity or supply of a service to his classes of purchasers generally, and if, during March 1942, he delivered such commodity or supplied such service at the higher price to at least one class of purchasers, the highest price charged during March 1942, for each class of purchaser—

(a) To which the commodity was not delivered or the service not supplied during March, 1942 at the higher price, and

(b) To which the commodity was not delivered or the service not supplied during March, 1942 at a lower price after the price rise, except pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery or supply to such class of purchaser during March 1942, or, if he had no such offering price for supply to a particular class of purchaser during March 1942, the highest price charged by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(v) No seller shall change such of his customary allowances, discounts or other price differentials as were in effect in March 1942, unless such change results in a lower price.

(vi) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchasers of the same class to pay during March, 1942 on deliveries or supplies of the same

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5585, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093.

or similar types of commodities or services.

(7) "Most closely competitive seller of the same class" means a seller of the same class who (i) is selling the same or a similar commodity or service, and (ii) is closely competitive in the sale of such commodities or services, and (iii) is located nearest to the seller.

(8) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner or the price determined by the pricing method which the seller regularly adopted, except that in the case of sales of commodities by an establishment selling at retail, the offering price shall be the price at which the commodity was offered for sale at the immediate point of sale (for example, the shelves or counters). But offering price shall not include a price intended to withhold a commodity or service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(9) "Original sale" means the sale of a commodity by a person who has created or substantially changed the form of the commodity being sold.

(10) "Paper" and "paper products" shall, for the purpose of this Maximum Price Regulation No. 225, include all kinds, types, and grades of paper, paperboard and cellophane-type materials (regenerated cellulose, cellulose acetate and ethyl cellulose), but exclude, however, wallpaper.

(11) "Person" means an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(12) "Pricing methods" means the formulas by which the seller figures his price for any commodity or service, whether such formulas are disclosed to the purchaser or are merely the seller's devices for figuring costs of materials, production charges, and margin.

(13) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(14) "Records" means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(15) "Replacement cost" means the net price paid by the seller after September 29th, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(16) "Resale" means a sale by a person other than the creator of a commodity who receives delivery thereof and re-

sells it, without substantially changing its form.

(17) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

(18) "Sell" means sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly. Nothing in this Maximum Price Regulation No. 225 shall be construed to prohibit the making of a contract to sell a commodity or service at a price not to exceed the maximum price permitted by the Office of Price Administration at the time of delivery or supply.

(19) "Seller" includes a seller of any commodity or service for which maximum prices are established by this Maximum Price Regulation No. 225. Where a seller makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller, except that for the purposes of § 1347.466 of this regulation, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(20) "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, repairing, typesetting, platemaking or publishing); (ii) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store, printer, electrotypewriter or photoengraver); (iii) dealing in the same type of commodity or service, and (iv) selling to the same class of purchaser.

(21) "Service" means any service rendered or supplied, otherwise than as an employee, in connection with the processing, distribution, storage, repair, or negotiation of purchase or sale of a commodity, and generally, without limiting the foregoing, all services which preserve or add to the value or utility of a commodity.

(22) "Similar commodities or services". One commodity shall be deemed similar to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold for the same or substantially the same price. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price for which such commodities would ordinarily have been sold, shall not be taken into account. One service shall be deemed similar to another service if the first has the same use and purpose as the second and belongs to a type which would ordinarily be sold for the same or substantially the same price. For the purpose of determining maximum prices for services and for original sales of commodities under § 1347.452, a similar commodity or service is further defined as a

commodity or service which is produced to the same or substantially the same specifications and is produced by the same or substantially the same productive operations.

(23) "Supplied". A service shall be deemed to have been supplied during March, 1942, if during such month the service was completed and the commodity in connection with which the service was rendered was delivered to the purchaser.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.473 *Applicability.* The provisions of this Maximum Price Regulation No. 225 shall be applicable to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1347.474 *Effective date.* All provisions of this Maximum Price Regulation No. 225 (§§ 1347.451 to 1347.476 inclusive) shall become effective September 29th, 1942.

§ 1347.475 *Appendix A: Commodities.* This Maximum Price Regulation No. 225 shall apply to the following commodities:

*Bound blank books, including but not limited to:*

General books of account, such as bill books, cash books, cash sales books, check or voucher registers, columnar books, combination books, day books, figuring books, journals, ledgers, note records, records, and trial balance books.

Books of account or record for specific uses, such as bank forms, bond and mortgage records, business records, club registers, collection books, corporate records, counter books, delivery books, due ledgers, engineers' field books, garage registers, guest registers, hotel registers, index books, insurance registers, investment and income records, law record books, merchandise stock books, milkmen's account books, notarial records, order registers, payroll books, receiving clerks' records, rent collection books, roll books, sales records, scale books, shipping records, social security books, tally books, time books, tourist registers, used car records, and wage rate books.

Columnar pads, such as accounting pads and analysis pads.

Detachable forms, such as bill heads, bills of lading, business blanks, check books, correspondence books, draft books, invoice books, note books, order books, package receipt books, parcel post records, purchase order books, receipt books, remittance books, rent receipt books, sales books, statements, trade acceptances, and warrants.

Memorandum books, such as appointment books, date books, diaries, memo books, pass books, telephone-address books, telephone call pads, and travelers' expense books.

Scrap book type books, such as autograph books, match-book albums, photograph albums, post-card albums, record albums, and scrap books.

Books for personal use, such as baby books, brides' books, budget books, family expense books, graduation books, household expense books, pocket wallets for stamps, recipe books, service books, stamp approval books, trip books, and wedding books.

Miscellaneous blank books, such as book-keeping blanks, composition books, letter copying books, note books, perforated scratch pads, stenographers' notebooks, and students' notebooks.

*Looseleaf binders and covers*, including but not limited to:

Chain binders.  
Compression binders.  
Ledger binders.  
Magazine type, single and multi-blade binders.  
Prong binders.  
Ring binders.  
Screw, post and screw-post binders and covers.  
Storage and transfer binders.  
Binders and covers with fastening devices other than the above.  
Spring binders, sheet and chart holders, and clip binders.

*Plain and faint-ruled fillers and printed commercial forms*, produced for use in any of the looseleaf binders or covers above specified.

*Indexes, indexing systems, index tabs and blank division sheets* for indexing purposes, to supplement any of the looseleaf binders and covers listed above.

*Greeting cards and related products*, as follows:

Greeting cards.  
Decorated tags.  
Enclosures.  
Printed gift wrapping papers.  
Gift money holders.  
Mottos.  
Printed decorative paper ribbons and tapes.  
Seals.  
Social calendars.  
Souvenir post cards.

*Printed and engraved social stationery*, as follows:

Imprinted papeteries.  
Engraved papeteries.  
Book plates.  
Calling cards.  
Wedding invitations and announcements.  
Birth announcements.  
Death announcements.  
All other social announcements.

*Tablets, pads and related products*, as follows:

Composition books.  
Drawing papers.  
Exercise books.  
Graph papers.  
Plain and faint-ruled loose-leaf fillers.  
Memorandum books.  
Music books (blank).  
Music papers (blank).  
Note books.  
Pads.  
Quadrille pads and papers.  
Ruled papers.  
Second sheets.  
Stenographers' note books.  
Tablets.  
Typewriter papers.

*Commercial supplies*, as follows:

Bonds.  
Certificates.  
Commercial calendars (except separate bases made of materials other than paper and paperboard).  
Commercial forms.  
Commercial letter heads.  
Coupons, checks, and tickets (except pin tickets and marking machine tickets).  
Currency.  
File folders and dividers.  
Guide cards.  
Index cards.  
Labels, package wraps, and bands.  
Legal forms and contracts.  
Ruled legal papers.  
Blotters.

§ 1347.476 *Appendix B: Services.* This Maximum Price Regulation No. 225 shall apply to the services of publishing, printing, typesetting, platemaking, binding, and related services rendered in connection with:

(a) The commodities listed in Appendix A (§ 1347.475) of this Maximum Price Regulation No. 225.

(b) All papers and paper products, other than those listed in Supplementary Regulation No. 1 and Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation and any and all amendments and supplements to said supplementary regulations now or hereafter issued, when such services are performed by persons engaged primarily in the business of publishing, printing, typesetting, platemaking, binding, or rendering related services or any combination thereof.

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9512; Filed, September 24, 1942; 1:40 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 28 to Supplementary Regulation 1<sup>2</sup> to General Maximum Price Regulation 2<sup>1</sup>]

#### BOOKS, PERIODICALS, ETC.—CERTAIN PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Two new subparagraphs (33) and (34) are added to § 1499.26 (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.*

(a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

\* \* \* \* \*

(33) Books, magazines, periodicals, newspapers, pamphlets, leaflets, sheet music, music rolls, stamp albums, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising), time tables, tariffs, and price lists: *Provided however*, That this exception shall not include any commodity listed in Appendix A (§ 1347.475) to Maximum Price Regulation No. 225.

(34) The commodities listed in Appendix A (§ 1347.475) to Maximum Price Regulation No. 225 when sold or delivered by persons engaged primarily in the business of publishing, printing, typesetting, platemaking, binding, or rendering related services, or any combination thereof, whose total gross sales

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011.  
<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5434, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6784, 6939, 7093.

in 1941 of printed papers and printed paper products and services rendered in connection therewith did not exceed \$20,000.

(e) *Effective dates.* \* \* \*

(29) Amendment No. 28 (§ 1499.26 (a) (33) and (34)) to Supplementary Regulation No. 1 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9511; Filed, September 24, 1942; 1:39 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 75 Under § 1499.3 (b) of the General Maximum Price Regulation]

#### THE KENDALL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.289 *Approval of maximum prices for sales of certain health supply articles by The Kendall Company to war procurement agencies.* (a) On and after September 25, 1942, The Kendall Company, a corporation having its principal place of business in Chicago, Illinois, may sell and deliver the articles listed below, and any war procurement agency may buy the articles listed below from The Kendall Company at prices no higher than those hereinafter set forth:

Pneumatic life raft kit—	\$3.10 per kit.
Carlisle model first aid packet.	.31 per packet
Abdominal pack, 11 inches by 12 inches, 6-ply construction.	6.00 per bag of 80 units
Abdominal pack, 36 inches by 8 inches, 8-ply construction.	4.65 per bag of 30 units

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March 1942, on sales by this company of comparable health supply articles to war procurement agencies shall apply to the maximum prices set forth in paragraph (a).

(c) When used in this Order No. 75, the term:

(1) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section in the Procurement Division of the Treasury Department, and the Defense Supplies Corporation or any agency or subsidiary of the foregoing.

(2) "Pneumatic life raft kit" means a first aid kit composed of six syrettes of morphine, one iodine applicator bottle 10 cc., two ¾ ounce tubes of burn ointment, one 4 ounce bandage compress, five 5 gram packages of sulfanilamide and 24 sulfadiazine tablets packaged to conform with Department of Navy specification 57-K-0366B.

(3) "Carlisle model first aid packet" means a compressed battle dressing made from cotton and gauze sterilized and packed with a five gram envelope of sul-

fanilamide in a special water proof plastic container as per specifications issued by the Surgeon General of the United States Army.

(4) "Abdominal pack—11 inches by 12 inches, 6 ply construction" means a piece of gauze folded six times, of sufficient size so as to measure eleven inches by twelve inches after folding, and stitched around the edges.

(5) "Abdominal pack—36 inches by 8 inches, 8 ply construction" means a piece of gauze folded eight times, of sufficient size so as to measure thirty-six inches by eight inches after folding, and stitched around the edges.

(d) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 75 (§ 1499.289) shall become effective on September 25, 1942. (Pub. Law 421, 77th Cong.)

Issued this 24th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9510; Filed September 24, 1942;  
1:39 p. m.]

#### PART 1499—COMMODITIES & SERVICES

[Order 51 Under § 1499.18 (c) of General Maximum Price Regulation]

##### BARRON COOPERAGE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.901 *Adjustment of maximum prices for sales of flour barrels by Barron Cooperage Company.* (a) On and after September 25, 1942 Barron Cooperage Company of 621 West Commerce Street, Springfield, Missouri, may sell and deliver, and offer, agree, solicit and attempt to sell and deliver, and any person may buy from Barron Cooperage Company, flour barrels at a price no higher than that hereinafter set forth:

92¢ each for #2 flour barrel size 17½" x 28½", with 4 wood and 4 wire hoops.

(b) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 51 (§ 1499.901) is hereby incorporated as a section of Supplementary Regulation 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 51 (§ 1499.901) shall become effective on September 25, 1942. (Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9509; Filed, September 24, 1942;  
1:39 p. m.]

#### PART 1316—COTTON TEXTILES

[Amendment 8 to Revised Price Schedule 89<sup>1</sup>]

##### BED LINENS

A statement of the considerations involved in the issuance of this amendment

<sup>1</sup> 7 F.R. 1375, 1836, 2107, 2000, 2132, 2239, 2739, 3163, 3327, 3447, 3962, 4176, 4732.

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has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

§ 1316.101 (b) is amended by adding thereto a new subparagraph (4), and § 1316.109 is amended by adding thereto two new paragraphs (f) and (g) as set forth below:

§ 1316.101 *Maximum prices for bed linens.* \* \* \*

(b) The provisions of Revised Price Schedule No. 89 are not applicable:

(4) To any product of a non-profit-making agency for the blind on which 75 per cent or more of the direct labor in man-hours has been performed by blind persons.

§ 1316.109 *Definitions.* When used in Price Schedule No. 89 the term:

(f) "Non-profit-making agency for the blind" means any institution operated in the interest of blind persons, the net income of which institution does not inure in whole or in part to the benefit of shareholders or individuals.

(g) "Blind persons" means persons whose visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but who have a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

§ 1316.110a *Effective dates of amendments.* \* \* \*

(h) Amendment No. 8 (§§ 1316.101 (b) (4) and 1316.109 (f) and (g)) to Revised Price Schedule No. 89 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9519; Filed, September 24, 1942;  
4:44 p. m.]

#### PART 1361—FARM EQUIPMENT

[Amendment 2 to Maximum Price Regulation 133<sup>1</sup>]

##### RETAIL PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Paragraph (a) of § 1361.7 is amended and new § 1361.7a is added, all to read as set forth below:

§ 1361.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 133 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

\* Copies may be obtained from the Office of Price Administration.  
<sup>1</sup> 7 F.R. 3185, 6930.

§ 1361.7a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 133 selling at retail any farm equipment covered by this Maximum Price Regulation No. 133. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (c) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1361.10a *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§§ 1361.7 (a) and 1361.7a) to Maximum Price Regulation No. 133 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9520; Filed, September 24, 1942;  
4:46 p. m.]

#### PART 1367—FERTILIZERS

[Amendment 3 to Maximum Price Regulation 135<sup>1</sup>]

##### MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

In § 1367.31, paragraph (b) (4) and paragraph (c) are amended; in § 1367.35, the last paragraph is designated (c) and paragraph (b) is amended; in § 1367.39 (a) subparagraph (10) is added; to read as set forth below:

§ 1367.31 *Maximum prices for mixed fertilizer, superphosphate and potash.* \* \* \*

(b) \* \* \*

(4) If there is no applicable maximum price under either subparagraph (1), (2), or (3), then the maximum price shall be determined in accordance with the following procedure:

There shall be submitted to the Office of Price Administration an application containing a description of the mixed fertilizer, superphosphate or potash for which there is no applicable maximum price and stating the proposed maximum price therefor, and also stating the basis upon which the proposed maximum price was determined by the applicant. Such proposed maximum price must be in line with applicant's maximum price established under subparagraph (1) or (2), or under subparagraph (3) in the event applicant had established no prices under subparagraph (1) or (2), for a comparable quantity, grade and kind of mixed fertilizer, superphosphate or potash sold to a consumer in the same local-

<sup>1</sup> 7 F.R. 3187, 5927, 5653.

ity under the same terms of payment and delivered under the same conditions in the same or comparable type of containers or bags. If within 10 days of the mailing of such application, such price has not been disapproved by the Office of Price Administration, such applicant may sell, offer for sale, deliver or transfer such mixed fertilizer, superphosphate or potash at the proposed maximum price. Notwithstanding that the Office of Price Administration does not disapprove such price within such 10 day period, it may at a later time disapprove such price or require a modification thereof on such terms and conditions as it deems advisable. All deliveries to a consumer or received by a carrier other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) for shipment to a consumer, after the expiration of such 10 day period but prior to such disapproval or requirement of modification, shall not be affected by such later action on the part of the Office of Price Administration disapproving or modifying such maximum price.

(c) No person shall establish terms of payment or conditions of delivery in connection with the sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer, more onerous than those in effect or available to such consumer for the period from and including February 16, 1942, to and including February 20, 1942; except that terms of payment on such sales made between the effective date of this Amendment No. 3 and December 1, 1942, and during the period July 1 to December 1 of any calendar year thereafter, shall be in line with terms of payment provided in seller's price schedule or price list in effect between October 1 and October 15, 1941.

#### § 1367.35 Records and reports. \* \* \*

(b) Not later than May 20, 1942, every person or manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers, whether by or through any agent or other person, except those persons or manufacturers who have heretofore done so, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers from and after November 1, 1940, together with all written or printed amendments and supplements to any such schedules; and each such person shall continue, until further notice, to file with the Office of Price Administration in Washington, D. C., one copy of any and all such price schedules and supplements and amendments thereto, whose issuance is thereafter contemplated, at least five (5) business days

prior to the contemplated effective date thereof. Each such price schedule, supplement or amendment thereto hereafter filed with the Office of Price Administration shall be accompanied by a statement of all changes made whereby that price schedule, supplement or amendment thereto differs from the price schedule in effect at the time of filing. Neither such filing, nor the failure to object to the contents thereof, shall constitute authorization therefor or approval thereof by the Office of Price Administration.

(c) Persons affected by this Maximum Price Regulation No. 135 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

#### § 1367.39 Definitions. (a) \* \* \*

(10) "Price schedule" means any price list or statement, irrespective of form, issued by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery, and any other provisions relating to sales, of the commodities being priced.

#### § 1367.41 Effective dates of amendments. \* \* \*

(c) Amendment No. 3 (§§ 1367.31 (b) (4), and (c), 1367.35 (b) and (c) and 1367.39 (a) (10)) to Maximum Price Regulation No. 135 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9521; Filed, September 24, 1942;  
4:46 p. m.]

#### PART 1382—HARDWOOD LUMBER

[Amendment 6 to Maximum Price Regulation 146<sup>1</sup>]

#### APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

In § 1382.12 (d) five new subparagraphs ((27), (28), (29), (30), and (31)) are added, and items 10 through 12 are added to subparagraph (2), items 84 through 87 are added to subparagraph (10), items 10 through 15 are added to subparagraph (16), and items 12 through 26 are added to subparagraph (25) as set forth below:

§ 1382.12 Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items. \* \* \*

(d) \* \* \*

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 3776, 4179, 4852, 5520, 6053, 6098.

#### (2) CHERRY RIVER BOOM & LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
10	FAS—Red Face	Birch	2			\$128.00
11	Sound Square Edge	White Oak	2			39.00
12	Sound Square Edge	White Oak	3			43.00

#### (10) THE MEADOW RIVER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
84	FAS—Clear	Soft Maple	1½	9 to 12		\$129.00
85	FAS—Clear One Face	Poplar	1		12 and shorter	110.00
86	FAS—Clear One Face	Poplar	1½		12 and shorter	121.00
87	FAS—Clear One Face	Poplar	2		12 and shorter	145.00

#### (16) BRINGARDNER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
10	Sound Square Edge	White Oak	1			\$32.00
11	Sound Square Edge	White Oak	2	6		40.00
12	Sound Square Edge	White Oak	2	8		40.00
13	Sound Square Edge	White Oak	2	10		42.00
14	Sound Square Edge	White Oak	2	12		42.00
15	FAS—WHND	White Oak	2	12 and up		105.00



## (25) THE ATLAS LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
12	Sound Square Edge.....	White Oak.....	1.....	.....	.....	\$32.00
13	Sound Square Edge.....	White Oak.....	1 1/4.....	.....	.....	33.00
14	Sound Square Edge.....	White Oak.....	1 1/4.....	.....	.....	42.00
15	Sound Square Edge.....	White Oak.....	2.....	.....	.....	42.00
16	Sound Square Edge.....	White Oak.....	2 1/4.....	.....	.....	42.00
17	Sound Square Edge.....	White Oak.....	3.....	.....	.....	42.00
18	Sound Square Edge.....	White Oak.....	6 to 8.....	6 to 8.....	10 to 15.....	44.00
19	Sound Square Edge.....	White Oak.....	6 to 12.....	10 to 12.....	10 to 15.....	45.00
20	Sound Square Edge.....	White Oak.....	2 and 3.....	6 and 8.....	10 to 15.....	43.00
21	Sound Square Edge.....	White Oak.....	2 and 3.....	10 and 12.....	10 to 15.....	42.00
22	Sound Square Edge.....	White Oak.....	4 and 6.....	8.....	10 to 15.....	42.00
23	Sound Square Edge.....	White Oak.....	4 and 6.....	10.....	10 to 15.....	44.00
24	Sound Square Edge.....	White Oak.....	3.....	6.....	12, 14, and 15.....	43.00
25	Sound Square Edge.....	White Oak.....	3.....	8.....	14 and 15.....	43.00
26	Sound Square Edge.....	White Oak.....	3.....	8.....	10 and 12.....	44.00
(*)	(*)	(*)	(*)	(*)	(*)	(*)

## (27) VESTAL LUMBER &amp; MANUFACTURING COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common Squares.....	Poplar.....	8.....	8.....	.....	\$110.00
2	No. 1 Common Squares.....	Poplar.....	8.....	6.....	.....	80.00
3	No. 1 Common and Selects—Selected.	Yellow Poplar.....	1 1/2.....	.....	.....	63.00

## (28) EMORY RIVER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Panel and Wide No. 1.....	Poplar.....	5/8.....	18 and wider.....	.....	\$70.00
2	Panel and Wide No. 1.....	Poplar.....	1.....	18 and 19.....	.....	103.00
3	Panel and Wide No. 1.....	Poplar.....	1.....	23 to 23.....	.....	110.00
4	Panel and Wide No. 1.....	Poplar.....	1.....	24 to 25.....	.....	115.00
5	Panel and Wide No. 1.....	Poplar.....	1.....	23 and wider.....	.....	120.00
6	Panel and Wide No. 1.....	Poplar.....	1 1/2.....	19 to 27.....	.....	120.00
7	FAS.....	Poplar.....	1.....	12 to 17.....	.....	110.00

## (29) MARSHALL LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS—White Face.....	Hard Maple.....	1.....	.....	.....	\$110.00
2	FAS—White Face.....	Hard Maple.....	1 1/4.....	.....	.....	120.00
3	No. 1 Common—White Face.....	Hard Maple.....	1.....	.....	.....	81.00
4	No. 1 Common—White Face.....	Hard Maple.....	1 1/4.....	.....	.....	83.00

## (30) SALUDA RIVER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common and Selects—Stained.	Poplar.....	1.....	.....	.....	\$44.00
2	Step Grade.....	Red Oak.....	1 1/4.....	.....	.....	100.00

## (31) ELY-THOMAS LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS—White Two Faces.....	Hard Maple.....	1 1/4.....	.....	.....	\$135.00
2	FAS—White Two Faces.....	Hard Maple.....	1 1/2.....	.....	.....	140.00
3	FAS—White Two Faces.....	Hard Maple.....	2.....	.....	.....	145.00
4	FAS—White One Face.....	Hard Maple.....	1.....	.....	.....	110.00
5	No. 1 Common and Selects—White One Face.	Hard Maple.....	1.....	.....	.....	81.00

§ 1382.10a Effective dates of amendments.

(f) Amendment No. 6 (§ 1382.12 (d) (2), (10), (16), (25), (27), (28), (29), (30), (31), to Maximum Price Regulation No. 146 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9525; Filed, September 24, 1942;  
4:41 p. m.]

# **PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT**

[Amendment 20 to Maximum Price Regulation 136,<sup>1</sup> as amended]

## **MACHINES AND PARTS AND MACHINERY SERVICES**

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

New subparagraph (14) is added to § 1390.25 (c) and new paragraph (t) is added to § 1390.31a as set forth below.

§ 1390.25 *Petitions for amendment or adjustment.* \* \* \*

(c) *Amendments.* \* \* \*

(14) *J. A. Lang & Sons Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum prices applicable to the sale of any laundry listing machine or part manufactured by J. A. Lang & Sons Co., Boston, Massachusetts shall be determined pursuant to the provisions of § 1390.5, except that the date November 1, 1941, shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

§ 1390.31a *Effective dates of amendments.* \* \* \*

(t) Amendment No. 20 (§ 1390.25 (c) (14)) to Maximum Price Regulation No. 136, as amended, shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9522; Filed, September 24, 1942;  
4:44 p. m.]

# **PART 1396—FINE CHEMICALS AND DRUGS**

[Amendment 1 to Revised Price Schedule 101<sup>2</sup> as Amended]

## **CITRIC ACID**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Paragraph (a) of § 1396.6 is amended and new § 1396.6a is added, to read as set forth below:

§ 1396.6 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 101 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1396.6a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and

drugs, are applicable to every distributor selling citric acid for which maximum prices are established by Appendix A (§ 1396.11). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail citric acid for which maximum prices are established by Appendix A (§ 1396.11). The term "selling at retail" shall have the meaning given it by § 1499.20 (c) of the General Maximum Price Regulation.

§ 1396.10 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 1 (§§ 1396.6 (a) and 1396.6a) to Revised Price Schedule No. 101 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9523; Filed, September 24, 1942;  
4:44 p. m.]

# **PART 1410—WOOL**

[Amendment 8 to Revised Price Schedule 58, as amended<sup>3</sup>]

## **WOOL AND WOOL TOPS AND YARNS**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

In section 1410.61, the reference in subparagraph (1) of paragraph (d) to "tinged" is amended to read "stained"; in § 1410.62 (b) (4) the reference in subdivision (ii) to "ceiling price" is amended to read "selling price", and the reference in subdivision (iii) to "bale" is amended to read "sale"; in § 1410.66 the title is amended to read "Maximum prices for foreign pulled wools", and the reference to paragraphs "(a) to (e)" is amended to read "(a) to (d)"; in § 1410.60 the reference to "(a) (6)" of § 1410.65 (a) is deleted; in § 1410.65 the reference in subparagraph (6) of paragraph (c) to "paragraph" is amended to read "paragraph (c)"; in § 1410.66 the reference in subparagraph (1) of paragraph (d) to "tinged" is amended to read "stained".

In § 1410.51 subparagraph (2) of paragraph (b) and subparagraph (4) of paragraph (e) are amended; in § 1410.57 a new subparagraph (6) is added to paragraph (a); in § 1410.62 a new subparagraph (4) is added to paragraph (a) and subdivisions (i), (ii) and (iii) of subparagraph (1) of paragraph (a) are amended; in § 1410.65 subparagraph (3) of paragraph (a) and paragraph (c) and subparagraphs (1) and (4) of paragraph

(d) are amended; in § 1410.66 subparagraph (4) of paragraph (d) and paragraph (e) are amended as set forth below:

§ 1410.51 *Maximum prices for wool and wool tops and yarns.* \* \* \*

(b) \* \* \*

(2) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That on shipments evidenced by an ocean bill of lading or similar shipping document dated September 30, 1942, or later, war risk insurance rates computed under this section shall not exceed the rates for war risk insurance written by the War Shipping Administration on an identical shipment: *Provided further*, That in all cases where the maximum price is so increased, an invoice or similar document shall be delivered to the purchaser showing the amount of such increase.

(e) \* \* \*

(4) The maximum price for wool top futures contracts on said Exchange shall be 140 cents per pound; except that such maximum price shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration on wool imported from Australia to the east coast prevailing on the date such contract is made is, respectively, above or below 7½%: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum price may be carried out at the contract price.

§ 1410.57 *Definitions.* (a) When used in Revised Price Schedule No. 58, as amended, the term:

(6) "War risk insurance written by the War Shipping Administration" means the basic war risk coverage and the extended transshipment coverage provided by the War Shipping Administration.

§ 1410.62 *Appendix B: Maximum prices for wool tops and noils—(a) Wool tops.* \* \* \*

(1) *Adjustments for increases or decreases in war risk insurance rates.* (i) The maximum prices set forth above for tops made of South American wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below 2½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each 1% increase or decrease in such war risk insurance rate.

(ii) The maximum prices set forth above for tops made of Australian or New Zealand wools of 56's grade or finer shall be increased or decreased by one

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 5047, 5362, 5565, 5903, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365.

<sup>2</sup> 7 F.R. 1400, 1836, 2132, 3897.

<sup>3</sup> 7 F.R. 2397, 2543, 2580, 3088, 3271, 4117, 4296, 4299, 4428, 5512, 6494.

cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below 7½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in such war risk insurance rate.

(iii) The maximum prices set forth above for tops made of South African wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below 4%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in such war risk insurance rate.

(4) *Cut tops.* The maximum price for cut tops shall be the applicable maximum price for the wool top plus two and one-fourth cents per pound.

§ 1410.65 *Appendix E: Maximum prices for foreign shorn wools—(a) Unscoured South American shorn wools.* \* \* \*

(3) *Maximum prices for sales of South American wools by dealers.* For the purposes of this section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a topmaker, spinner or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States.

When South American wools are sold by a dealer, the applicable maximum price set forth above may be increased by an amount not exceeding 10% of the applicable in bond maximum price or 5 cents per pound clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided*, That where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added: *Provided further*, That an invoice or similar document delivered to the purchaser shall show separately (i) the applicable maximum price of the wool, (ii) the dealer's mark-up per pound, (iii) the charges actually paid for marine insurance and (iv) the charges for war risk insurance added to the applicable in bond maximum price. Persons buying any such wool after it has been once sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

(c) *South American shorn wools scoured in the United States.* The prices set forth below are maximum prices, f. o. b. shipping point, for South American shorn wools of average to good character scoured in the United States. The maximum prices for such wools of

choice character, for inferior wools and for carbonized, neutralized or dusted wools shall be determined in accordance with subparagraphs (2), (3) and (4) of this paragraph. All maximum prices are for wools of United States official standard grades, duty paid, on a price per pound basis and shall include all commissions and other charges except as provided in subparagraph (5) of this paragraph. The maximum prices for scoured South American shorn wools may be increased by the charges actually paid for marine and war risk insurance on the wool imported in a grease state: *Provided*, That no amount which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(d) *Australian, New Zealand, South African and other British Wool Control shorn wools—(1) Maximum prices for sales by dealers.* For the purposes of this section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a topmaker, spinner, or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States. The maximum prices for sales of such wools by dealers shall be the actual cost thereof landed in bond in the United States, plus an amount not exceeding 10% of such cost or 5 cents per pound, clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided*, That where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added: *Provided further*, That an invoice or similar document, delivered to the purchaser shall show separately (i) such actual cost of the wool, (ii) the dealer's markup per pound, (iii) the charges actually paid for marine insurance, and (iv) the charges for war risk insurance added to the landed in bond cost. Persons buying any such wool after it has once been sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

(4) *Terms of sale for British Wool Control wools.* Terms of sale shall be cash less 1% up to 10 days or 60 days net cash: *Provided*, That when British Wool Control wools are sold on a duty paid basis, the discount shall be computed on the applicable maximum price exclusive of duty.

§ 1410.66 *Appendix F: Maximum prices for foreign pulled wools.* \* \* \*

(d) *Inferior wools.* \* \* \*

(4) *Seedy or burry wools which, in accordance with established trade practice require carbonizing, neutralizing and/or dusting, 10¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above: Provided*, That where such wools are sold in a carbonized, neutralized and/or dusted state the actual charges for carbonizing, neutralizing and/or dusting plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and the amount of shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

(e) *Adjustment for marine and war risk insurance charges.* Actual charges paid for marine insurance and war risk insurance on the wool sold may be added to the applicable maximum price for foreign pulled wool determined in accordance with this section, except that where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added: *Provided*, That the amounts of such marine and war risk insurance added shall be separately set forth in an invoice or similar document delivered to the purchaser.

§ 1410.60 *Effective dates of amendments.* \* \* \*

(j) Amendment No. 8 (§§ 1410.51 (b) (2) and (e) (4), 1410.57 (a) (6), 1410.61 (d) (1), 1410.62 (a) (1), (a) (4) and (b) (4), 1410.65 (a) (3), (c), (c) (6), (d) (1) and (d) (4), 1410.66, 1410.66 (d) (1), (d) (4) and (e)) to Revised Price Schedule No. 58, as amended, shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9523; Filed, September 24, 1942; 4:45 p. m.]

#### PART 1410—WOOL

[Amendment 6 to Maximum Price Regulation 163<sup>1</sup>]

WOOLEN AND WORSTED CIVILIAN APPAREL  
FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 1410.109 is amended to read as set forth below:

§ 1410.109 *Adjustment of maximum prices.* (a) In the event that the maximum price of any manufacturer determined in accordance with § 1410.102 is abnormally low or abnormally high in relation to the maximum prices of other

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F. R. 4513, 4733, 4734, 5827, 5372, 6337, 6373, 7454.

manufacturers for the same or a comparable woolen or worsted apparel fabric, the Office of Price Administration may, upon its own motion or upon a petition for adjustment filed in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, adjust such maximum price by the issuance of an appropriate order.

(b) In any case in which a jobber incurs expenses in connection with the manufacture, styling, or designing of fabrics which he sells, and, because of such expenses, the maximum prices for such fabrics, determined in accordance with § 1410.103, are not sufficient to enable him to sell such fabrics without substantial hardship, he may file a petition for adjustment in accordance with Procedural Regulation No. 1. Adjustment will be made in appropriate cases by an order prescribing the method by which such jobber shall determine his maximum prices for such fabrics. Such an order may also prescribe the method by which persons purchasing such fabrics for resale shall determine their maximum prices therefor.

#### § 1410.117 *Effective dates of amendments.* \* \* \*

(h) Amendment No. 6 (§ 1410.109) to Maximum Price Regulation No. 163 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9529; Filed, September 24, 1942;  
4:47 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 29 to Supplementary Regulation 1<sup>2</sup> of the General Maximum Price Regulation<sup>1</sup>]

##### BITUMINOUS COAL PRODUCED IN THE TERRITORY OF ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* Section 1499.26 is amended by adding a new subparagraph 35 to paragraph (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries and certain services.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(35) Bituminous coal produced in the territory of Alaska.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 971, 3663, 6967.

<sup>2</sup> 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317.

<sup>3</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 6192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322.

#### (e) *Effective dates.* \* \* \*

(30) Amendment No. 29 (§ 1499.26 (a) (35)) to Supplementary Regulation No. 1 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9530; Filed, September 24, 1942;  
4:46 p. m.]

#### PART 1499—COMMODITIES AND SERVICE

[Amendment 2 to Revised Supplementary Regulation 11 to General Maximum Price Regulation<sup>1</sup>]

##### TRUCK LOADING AT PORT OF NEW YORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1499.46, a new sub-paragraph (102) is added to paragraph (b) as set forth below:

§ 1499.46 *Exceptions for certain services.* \* \* \*

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

(102) Loading of trucks by public dock loaders in the port of New York (including ports in New Jersey adjacent to New York Harbor)—rates and charges for.

#### (d) *Effective dates.* \* \* \*

(3) Amendment No. 2 to Revised Supplementary Regulation No. 11 shall become effective on September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9530; Filed, September 24, 1942;  
4:42 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 3 to Revised Supplementary Regulation 11<sup>2</sup> to General Maximum Price Regulation<sup>1</sup>]

##### CERTAIN PUBLISHING, PRINTING, ETC., SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Subparagraph (67) of § 1499.46 (b) is amended to read as set forth below:

<sup>1</sup> 7 F.R. 6426, 6965.

<sup>2</sup> 7 F.R. 6965.

<sup>3</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093.

§ 1499.46 *Exceptions for certain services.* \* \* \*

(b) The General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services:

(67) Services of publishing, printing, typesetting, platemaking, binding or related services in connection with:

(i) Books, magazines, periodicals, newspapers, pamphlets, leaflets, sheet music, music rolls, stamp albums, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising), time tables, tariffs, and price lists: *Provided, however,* That this exception shall not include any of such services rendered in connection with any commodity listed in Appendix A (§ 1347.475) to Maximum Price Regulation No. 225;

(ii) All papers and paper products when supplied by persons engaged primarily in the business of rendering such services, whose total gross sales in 1941 of printed papers and printed paper products and services rendered in connection therewith did not exceed \$20,000.

#### (d) *Effective dates.* \* \* \*

(4) Amendment No. 3 (§ 1499.46 (b) (67)) to Revised Supplementary Regulation No. 11 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9527; Filed, September 24, 1942;  
4:42 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 28 to Supplementary Regulation 14<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>].

##### CANNED SHRIMP

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* A new subparagraph (26) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

<sup>1</sup> 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6776, 6778, 6703, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7280, 7305.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322.

(26) *Canned shrimp*—(i) *Sales by canners of shrimp*. The maximum prices per dozen chargeable for canned shrimp of the 1942 pack or subsequent packs by any canner, or agent or other person acting on behalf, or under the control, of such canner shall be the sum of (a) the canner's maximum prices per dozen for each type or style of pack and container size of canned shrimp which prevailed prior to the effective date of this amendment, and (b) the "canner's allowable addition" computed pursuant to this subdivision (i).

The "canner's allowable addition" for canned shrimp of the 1942 pack and subsequent packs shall be obtained by multiplying the canner's maximum price per dozen, which prevailed prior to the effective date of this Amendment by the percentage specified in connection with each can size and type of pack listed, as follows:

	Percent
No. 1 flats, dry pack (307 x 208).....	22.2
No. 1 flats, wet pack (307 x 208).....	17.0
No. 1 picnics, dry pack (211 x 400).....	26.7
No. 1 picnics, wet pack (211 x 400).....	22.5
No. 1½s, dry pack (307 x 400).....	24.2
No. 1½s, wet pack (307 x 400).....	19.0
No. 5s, wet pack, all types (502 x 510)...	18.75

The product thus obtained, stated in cents, shall be the "canner's allowable addition".

(ii) *Sales by persons selling canned shrimp at wholesale and retail*. (a) The maximum prices per dozen chargeable by any person selling canned shrimp of the 1942 pack and subsequent packs at wholesale shall be the sum of (1) the seller's maximum prices per dozen for each type or style of pack and container size of canned shrimp which prevailed prior to the effective date of this amendment, and (2) the "canner's allowable addition."

(b) The maximum prices per can chargeable by any person selling canned shrimp of the 1942 pack and subsequent packs at retail shall be the sum of (1) the seller's maximum prices per can for each type or style of pack and container size of canned shrimp which prevailed prior to the effective date of this Amendment, and (2) one-twelfth the "canner's allowable addition."

(iii) *Information to purchasers from canners*. Every canner of shrimp, or agent or other person acting on behalf, or under the control of such canner shall advise in writing each person to whom he sells canned shrimp of the 1942 pack or subsequent packs of the amount of the "canner's allowable addition" per dozen, stated in cents, which wholesalers may charge under this Amendment and of the duty of persons selling at wholesale to furnish purchasers with the information required under subdivision (iv) of this subparagraph. Such notification shall accompany the first delivery of canned shrimp to each purchaser after the effective date of this amendment.

(iv) *Information to purchasers from wholesalers*. Every wholesaler, before or at the time of his first delivery to any purchaser for resale of canned shrimp, of the 1942 pack or subsequent packs after the effective date of this amendment, shall supply to such purchaser a written statement identifying each such

item included in the sale, and shall clearly indicate for each such item the increase per can which the purchaser is entitled to add to his legal maximum price which prevailed prior to the effective date of this amendment in computing the purchaser's maximum price under this amendment. In every such statement the information prescribed by this subdivision (iv) shall be preceded by an announcement, as follows:

Your new OPA ceiling price for each item noted below is your March ceiling price plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

Although this regulation requires no special form for listing items and permitted increases, an example of an approved form which may be helpful to many wholesalers is set forth below:

ITEM—1942 PACK SHRIMP

Kind	Brand	Container size	Permitted increase per can
Wet pack.....	Lysk-fresh.....	No. 1 picnics.....	0.04
Dry pack.....	Sea Delight.....	No. 1½s.....	.03
Dry pack.....	Blue Sea.....	No. 1 flats.....	.03

Such statement may also contain similar information for any other items covered by this amendment even though they are not included in the sale.

(v) *Fractions of a cent*. In determining the allowable additions for any seller of canned shrimp of the 1942 pack and subsequent packs, fractions of less than five mills shall be reduced to the next lower cent and fractions of five mills or over may be rounded to the next higher cent.

(vi) *Discounts and allowances*. Discounts, allowances, and terms, whether based on quantity, class of purchaser, or any other cause, shall be no less favorable to any purchaser than those in effect in March 1942.

(vii) *To what container sizes and types applicable*. The modification of prices provided by this amendment shall apply only to canned shrimp packed in metal containers of the sizes specified in subdivision (i).

(b) *Effective dates*. \* \* \*

(29) Amendment No. 23 to Supplementary Regulations No. 14 (§ 1499.73 (a) (26)) shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9526; Filed, September 24, 1942;  
4:42 p. m.]

[Order 3 Under Maximum Price Regulation  
163—Woolen and Worsted Civilian Apparel  
Fabrics—Docket 3163-6]

THE KINGSLEY COMPANY, ET AL.

ADJUSTMENT GRANTED

For the reasons set forth in the opinion, which has been issued simul-

17 F.R. 4513, 4733, 4734, 5227, 5272, 5337, 6973.

taneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and, in accordance with Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) *The Kingsley Company*. (1) The maximum price for sales and deliveries by the Kingsley Company of a woolen or worsted apparel fabric produced by a manufacturer in accordance with specifications as to style and/or design supplied by the Kingsley Company or S. Stein and Company shall be the quotient of the sum of (i) the manufacturer's net invoice price for the fabric, whether or not the Kingsley Company has taken advantage of any term discounts offered, but in no case higher than the manufacturer's maximum price determined in accordance with Maximum Price Regulation No. 163, and (ii) the freight charges actually paid for the transportation of such fabric from the manufacturer's shipping point to the Kingsley Company's place of business, divided by the applicable division factor set forth below:

(a) Men's wear fabrics sold in piece lots.....	.82
(b) Women's wear fabrics sold in piece lots.....	.73
(c) Men's wear fabrics sold in less than piece lots.....	.78
(d) Women's wear fabrics sold in less than piece lots.....	.74

(2) The maximum price for sales and deliveries by the Kingsley Company of mill ends, close outs, seconds and irregular pieces shall be the manufacturer's maximum price therefor, determined in accordance with Maximum Price Regulation No. 163.

(3) In cases where the Kingsley Company sold or delivered during the period between December 1, 1940, and November 30, 1941, a fabric produced by a manufacturer in accordance with specifications as to style and/or design supplied by the Kingsley Company or S. Stein and Company, it may, at its option, use as the maximum price for such fabric the highest price at which it was sold or delivered during such period: *Provided*, That such optional maximum price shall not exceed the quotient of the sum of (i) the manufacturer's maximum price for the fabric determined in accordance with Maximum Price Regulation No. 163 and (ii) the freight charges which would be paid for the transportation thereof to the Kingsley Company's place of business, divided by the applicable division factor provided for in subparagraph (1) of paragraph (a) of this order.

(b) *Resale of fabrics sold by the Kingsley Company*. (1) The maximum price for sales and deliveries by any person, other than a seller at retail or a clothing manufacturer, who resells any fabric, the maximum price for which is determined pursuant to paragraph (a) of this order, shall be the quotient of the sum of (i) the Kingsley Company's net invoice price, whether or not the purchaser has taken advantage of any term discounts offered, but in no case higher

<sup>2</sup> 7 F.R. 971, 3653, 6367.



than the Kingsley Company's maximum price determined in accordance with paragraph (a) of this order, and (ii) the freight charges actually paid by the purchaser from the Kingsley Company for the transportation of the fabric from the Kingsley Company's shipping point to the purchaser's place of business, divided by the applicable division factor set forth below:

	Men's wear fabrics	Women's wear fabrics
(a) Sales in piece lots.....	\$1.00	\$1.00
(b) Sales in less than piece lots to manufacturers of apparel.....	.865	.89
(c) Sales in less than piece lots to retail stores and to special order departments of manufacturers of apparel.....	.82	.845
(d) Sales in less than piece lots to custom or merchant tailors.....	.635	.65
(e) Sales in cut lengths of 11 yards or less to custom or merchant tailors and to special order departments of manufacturers of apparel and retail establishments.....	.59	.605

(2) In cases of sales and deliveries covered by subdivisions (c), (d), and (e) of subparagraph (1) of paragraph (b) of this order where the seller has several styles of a fabric in the same range, and the differential between the Kingsley Company's net invoice prices of all the styles in the range does not exceed \$0.25 per yard, the Kingsley Company's net invoice price per yard for all the styles may be determined by taking the average of the Kingsley Company's net invoice prices per yard of all the styles in the range.

(3) In cases where such person sold the same fabric during the period between December 1, 1940, and November 30, 1941, he may, at his option, use as the maximum price for such fabric the highest price at which it was sold or delivered during such period: *Provided*, That such optional maximum price shall not exceed the quotient of the sum of (i) the Kingsley Company's maximum price for the fabric determined in accordance with paragraph (a) of this order and (ii) the freight charges which would be paid for the transportation thereof to the seller's place of business, divided by the applicable division factor provided for in subparagraph (1) of paragraph (b) of this order.

(c) *Conditions of order.* The adjustments granted in paragraphs (a) and (b) of this order are subject to the following conditions:

(1) With respect to each sale made by the Kingsley Company pursuant to this order, the Kingsley Company shall deliver to the purchaser an invoice or similar document setting forth, in addition to the terms thereof: (i) the selling price, (ii) the maximum price determined in accordance with this order, and (iii) in cases in which the maximum price was determined pursuant to subparagraph (1) of paragraph (a) of this order, a statement that the division factor used in computing the maximum price was not lower than the applicable division factor provided for in subparagraph (1) of paragraph (a) of this order.

(2) Every person making sales of woolen or worsted apparel fabrics pursuant to subparagraph (1) of paragraph (b) of this order, except sales to retail stores, custom or merchant tailors and special order departments of manufacturers of apparel shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth in addition to the terms thereof: (i) the Kingsley Company's net invoice price, (ii) the freight charges paid, and (iii) the division factor used.

(3) Every person making sales of woolen or worsted apparel fabrics to retail stores, custom or merchant tailors and special order departments of manufacturers of apparel pursuant to subparagraph (1) of paragraph (b) of this order shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth, in addition to the terms thereof, a statement that the division factor used in computing the selling price was not lower than the applicable division factor provided for in subparagraph (1) of paragraph (b) of this order, showing such division factor in figures.

(4) Upon the request of the Administrator of the Office of Price Administration, the Kingsley Company shall permit the duly authorized agents of the Office of Price Administration to make such investigation, examine such documents and procure such information as the Administrator shall deem necessary to a proper administration and enforcement of this order.

(5) Within 10 days after the effective date of this order, the Kingsley Company shall by circular or other appropriate means notify all persons selling fabrics for which the maximum prices are determined by the provisions of paragraph (b) of this order that they are required to determine their maximum prices for such fabrics in accordance with the provisions of paragraph (b) of this order and are subject to the provisions of subparagraphs (3) and (4) of this paragraph (c).

(d) Within 10 days after the effective date of this order, the Kingsley Company shall refund to every person who received shipments of woolen or worsted apparel fabrics ordered prior to June 22, 1942 at the contract prices, as permitted by Order No. 1 under Maximum Price Regulation No. 163, the amount by which such contract prices exceed the maximum prices permitted by this order.

(e) All prayers of the petition filed by the Kingsley Company not granted herein are denied.

(f) The maximum selling prices set forth in paragraphs (a) and (b) of this order shall be subject to adjustments at any time by the Office of Price Administration.

(g) This order may be revoked or amended by the Office of Price Administration at any time.

(h) All sections and paragraphs of Maximum Price Regulation No. 163 which are not inconsistent with any provision of this order are to apply to this order.

(i) Unless the context otherwise requires, the definitions set forth in § 1410.115 of Maximum Price Regulation No. 163 shall apply to terms used herein.

(j) As used in this order the term:

(1) "The Kingsley Company" refers to Herman W. Block, Henry Bernhard and Leon S. Hartman, copartners, trading as "the Kingsley Company."

(2) "S. Stein and Company" refers to Herman W. Block, Henry Bernhard and Leon S. Hartman, copartners, trading as "S. Stein and Company."

(k) This order shall become effective on the 29th day of September 1942, with respect to any sales or deliveries of woolen or worsted apparel fabrics made by the Kingsley Company on or after the 29th day of September 1942, but shall become effective as of the 29th day of July 1942, with respect to any such deliveries made by the Kingsley Company pursuant to Order No. 1 under Maximum Price Regulation No. 163, issued on the 28th day of July 1942.

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9532; Filed, September 24, 1942; 4:47 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 68 Under § 1499.3 (b) of General Maximum Price Regulation]

EASTMAN KODAK COMPANY

#### Correction

The last word in paragraph (a) of § 1499.282, appearing on page 7367 of the issue for Friday, September 18, 1942, should read "consumers" instead of "customers".

#### PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.3 (b) of the General Maximum Price Regulation]

TYER RUBBER COMPANY

On July 20, 1942, Tyer Rubber Company of Andover, Massachusetts, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for a neoprene politzer syringe with bulb and tubing and a No. 2045 valve and for instructions as to the method to be used in determining such prices. Due consideration has been given to the application and an Opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.290 *Authorization for Tyer Rubber Company to determine maximum*

\*Copies may be obtained from the Office of Price Administration.

prices for a neoprene politzer syringe with bulb and tubing and a No. 2045 valve. (a) The maximum price which may be charged for a neoprene politzer syringe with bulb and tubing and a No. 2045 valve by the Tyer Rubber Company, hereinafter called the "manufacturer", shall be:

The maximum price for a rubber politzer syringe with bulb and tubing and a No. 2045 valve adjusted by adding or subtracting the increase or decrease in direct costs resulting from the change from rubber to neoprene. The direct costs for both the rubber and neoprene politzer syringe with bulb and tubing and a No. 2045 valve shall be determined as follows:

(1) The direct costs shall be the sum total of direct labor and direct materials costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the article by the wage rates determined in accordance with subdivision (i) of this subparagraph (1). The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the article by the materials prices determined in accordance with subdivision (ii) of this subparagraph (1).

(i) The wage rates applicable to the article shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) The price of any materials used in the article shall be the highest price at which the material was delivered by the manufacturer's supplier to a purchaser of the same class as the manufacturer during March, 1942. If the material was not delivered to a purchaser of the same class as the manufacturer during March, 1942, the price of the material shall be the highest price at which the manufacturer's supplier offered the material for delivery during March, 1942. If the material was not delivered or offered for delivery by the manufacturer's supplier during March, 1942, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942. The manufacturer's supplier shall be (a) his March, 1942, supplier of the material, or (b) lacking a March, 1942, supplier of the material, his most recent supplier of the material.

(b) Any discounts or allowances applicable to the sale of a rubber politzer syringe with bulb and tubing and a No. 2045 valve by the Tyer Rubber Company whether based on quantity, class of purchases or any other cause shall be applicable to sales of a neoprene politzer syringe with bulb and tubing and a No. 2045 valve by that company.

(c) Within ten days after a maximum price has been determined in accordance with this order, Tyer Rubber Company shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by him. The report shall set forth in detail the computation of direct costs and of the maximum price.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 76 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 76 (§ 1499.230) shall become effective September 25, 1942. (Pub. Law 421, 77th Cong.)

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9531; Filed, September 24, 1942;  
4:47 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 37 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-288]

##### PROGRESS CIGAR COMPANY

##### Correction

In the table appearing in § 1499.387, page 7368 of the issue for Friday, September 18, 1942, the price for Longfellow's should be \$35.30 instead of \$35.00.

#### TITLE 46—SHIPPING

##### Chapter II—Coast Guard: Inspection and Navigation

##### AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 161, 4405, 4410, 4411, 4417, 4417a, 4418, 4421, 4426, 4430, 4433, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, 4447, 4481, 4482, 4484, 4488, 4491, as amended, 29 Stat. 188, 31 Stat. L. 800, 49 Stat. 1544, Sec. 7 of 53 Stat. 1147, 54 Stat. 163-167, 54 Stat. 1023 (5 U.S.C. 22, 46 U.S.C. 375, 439, 380, 391, 391a, 392, 393, 404, 408, 411, 224, 224a, 226, 228, 229, 214, 230, 233, 474, 475, 477, 481, 489, 225, 458, 367, 247, 526-526t, 463a) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

##### PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

Section 28.4-6 (f) is amended to read as follows:

§ 28.4-6 *Specifications for Kapok life preserver.* \* \* \*

(f) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

##### Subchapter D—Tank Vessels

##### PART 31—INSPECTION AND CERTIFICATION

§ 31.2-4 *Both inspectors to sign certificates of inspection—TB/ALL* is deleted

##### PART 33—LIFESAVING EQUIPMENT

Section 33.3-1 (x) is amended to read as follows:

§ 33.3-1 *Tank ship lifeboat equipment; ocean and coastwise—T/CC.* \* \* \*

(x) *Sea anchor.* After 1 January 1943, all new sea anchors and replacements for existing sea anchors shall be of a circular pattern with a mouth not less than 36 inches in diameter, constructed of No. 2 canvas strongly sewn and roped at the seams and having a length of not less than 5 feet from mouth to tip. The tip shall be arranged for securing therein a conical shaped oil container of at least 1 gallon capacity.

A strong metal hoop, of not less than ½-inch material, rendered corrosion-resistant by galvanizing or other suitable method is to be fitted around the mouth and strongly sewn into the canvas. A bridle of not less than 6 lines evenly spaced of 12-thread material shall be attached to the hoop and terminate in a ring or grommet for the attachment of a riding line.

Section 33.3-2 (s) is amended to read as follows:

§ 33.3-2 *Tank ship lifeboat equipment; Great Lakes—T/L.* \* \* \*

(s) *Sea anchor.* After 1 January 1943, all new sea anchors and replacements for existing sea anchors shall be of a circular pattern with a mouth not less than 36 inches in diameter, constructed of No. 2 canvas strongly sewn and roped at the seams and having a length of not less than 5 feet from mouth to tip. The tip shall be arranged for securing therein a conical shaped oil container of at least 1 gallon capacity.

A strong metal hoop, of not less than ½ inch material, rendered corrosion-resistant by galvanizing or other suitable method is to be fitted around the mouth and strongly sewn into the canvas. A bridle of not less than 6 lines evenly spaced of 12-thread material shall be attached to the hoop and terminate in a ring or grommet for the attachment of a riding line.

Section 33.6-3 is amended by changing the proviso thereof to read as follows:

§ 33.6-3 *Shipboard inspections—TB/ALL.* \* \* \*

*Provided,* That at the annual inspection of a vessel, or oftener if necessary, at least 5 percent of all kapok life preservers, or such greater number as may be deemed necessary or desirable, shall be subjected to a buoyancy test by being entirely submerged in water for a period of two hours, after which they shall be capable of sustaining 16½ pounds net

weight. Any such life preserver failing to meet the required test shall be immediately condemned and removed from the vessel's equipment, and a full detailed report of every such failure shall be immediately forwarded to the Supervising Merchant Marine Inspector of the district having jurisdiction.

#### PART 37—SPECIFICATIONS FOR LIFESAVING EQUIPMENT

Section 37.2-3 (e) is amended to read as follows:

##### § 37.2-3 *Shell plating—TB/ALL.* \* \* \*

(e) The laps of points on keel, stem, and sternpost shall be at least two inches.

Section 37.2-4 is amended by the addition of the following sentence:

##### § 37.2-4 *Riveting—TB/ALL.* \* \* \*

In the attachment of the keel to the garboard plate, the distance from the edge of the plate to the center of the nearest row of rivets shall be about one-half an inch.

Section 37.2-5 (b) is amended to read as follows:

##### § 37.2-5 *Welding—TB/ALL.* \* \* \*

(b) *Scope.* These specifications apply only to the application of fusion welding to lifeboats, life rafts and similar vessels subject to pressures not to exceed 15 pounds per square inch.

Section 37.2-5 (e) is amended to read as follows:

(e) *Design of joints.* The following joints are acceptable: Butt joints or lapped joints, fillet welded at both edges.

Section 37.2-8 is amended by changing paragraphs (b) and (c) to read as follows:

##### § 37.2-8 *Inspection and tests—TB/ALL.* \* \* \*

(b) Two tension and two bend test specimens of welding shall be taken from the first lifeboat or life raft constructed by fusion welding in any one order; thereafter two tension and two bend test specimens of welding shall be taken from one boat in each lot of twenty-five lifeboats and from one raft in each lot of twenty-five rafts in the same order.

(c) The tension test specimens shall be made with a reduced section having a gage length of 4 inches. The edges of the bend test specimens may be parallel. Both tension and bend test specimens shall be made with the weld in the center. The reinforcement shall be ground off, and the tension test specimen shall show under test a tensile strength at least equal to that of the base metal. The bend test shall be made in a vise with the face of the weld in tension and must withstand being bent to a radius of twice its thickness without showing cracks or flaws.

Section 37.6-6 (f) is amended to read as follows:

##### § 37.6-6 *Specifications for standard type kapok life preserver.* \* \* \*

(f) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

#### Subchapter F—Marine Engineering

##### PART 50—GENERAL PROVISIONS

The first sentence of the second undesignated paragraph of § 50.1 is amended to read as follows:

##### § 50.1 *Basis and application of rules.* \* \* \*

Where existing vessels are reboilered, the mountings and attachments, including feed and blow-off valves and fittings, shall be removed in accordance with the rules in Parts 50 to 57, inclusive, of this subchapter.

##### PART 51—MATERIALS

Section 51.7-5 (b) (2) is amended to read as follows:

##### § 51.7-5 *Bending properties.* \* \* \*

##### (b) *Quench-bend tests.* \* \* \*

(2) The test specimen for Grade B steel, when similarly heated and quenched shall stand being bent cold through 180° without cracking on the outside of the bent portion as follows: For material  $\frac{3}{4}$  inch and under in diameter, around a pin the diameter of which is equal to the diameter of the specimen; for material over  $\frac{3}{4}$  inch in diameter, around a pin the diameter of which is equal to one and one-half times the diameter of the specimen.

Section 51.9a-12 (a) is amended by changing the definition of "S" used in the formula to read as follows:

##### § 51.9a-12 *Hydrostatic tests—(a) Grades A, B, and C tubes.* \* \* \*

S equals allowable fiber stress of 16,000 psi. for Grades A and B tubes, 18,000 psi. for Grade C tubes, and 20,800 psi. for Grade D tubes.

Section 51.11-8 (b) (6) is amended to read as follows:

##### § 51.11-8 *Test Procedure.* \* \* \*

##### (b) *Number of tests.* \* \* \*

(6) If the percentage of elongation of any test specimen is less than that specified in § 51.11-4 (a), and any part of the fracture is more than  $\frac{3}{4}$  inch from the center of the gage length of a 2-inch specimen, or is outside the middle third of the gage length of an 8-inch specimen, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed. If a specimen breaks in an inside or outside surface flaw, a retest shall be allowed.

Section 51.16a-5, is amended as follows:

In the table opposite the heading "Sulphur, max., percent", under the column headed "Class 4" the number ".04" is amended to read "0.05."

##### PART 52—CONSTRUCTION

Section 52.1-4(a) (1) is amended to read as follows:

##### § 52.1-4 *Conditions for approval.* (a) \* \* \*

(1) That it conforms to all of the requirements of Parts 50 to 57, inclusive.

Section 52.13-4 (c), Formula (52) is amended to read as follows:

##### § 52.13-4 *Computations.* \* \* \*

(c) \* \* \*

$$W = \frac{S(T - 0.094)^2}{D \cdot C} \quad (52)$$

Section 52.15-4 (c) is amended to read as follows:

##### § 52.15-4 *Main and auxiliary stop valves.* \* \* \*

(c) Where the diameter of stop valves exceeds 6 inches, they shall be fitted with by-pass valves for the purpose of heating the line and equalizing the pressure before opening the valves.

Section 52.15-9 is amended by changing paragraphs (a), (b), (c), (d), (f), and (i) to read as follows:

##### § 52.15-9 *Fusible plugs.* \* \* \*

(a) Vertical boilers shall be fitted with one fusible plug located in a tube not more than 2 inches below the lowest gage cock.

(b) Externally fired, cylindrical boilers, with flues, shall have one plug fitted to the shell immediately below the fire line not less than 4 feet from the front end.

(c) Firebox, Scotch, and other types of shell boilers not specifically provided for, having a combustion chamber common to all furnaces, shall have one plug fitted at or near the center of the crown sheet of the combustion chamber.

(d) Double-ended boilers having individual combustion chambers for each end, which combustion chambers are common to all furnaces in one end of the boiler, shall have one plug fitted at or near the center of the crown sheet of each combustion chamber.

(f) Boilers of types not herein provided for shall be fitted with at least one fusible plug of such dimensions and located in a part of the boiler as will, in the judgment of the inspector, best meet the purposes for which it is intended.

(i) Fusible plugs shall be cleaned and examined by the inspector at each annual inspection, and oftener if necessary, and if, in the inspector's opinion, the condition of the plugs is satisfactory, they may be continued in use.

##### PART 55—PIPING SYSTEMS

Section 55.19-13 (g) is amended by changing Formulas (63) and (64) to read as follows, respectively:

##### § 55.19-13 *Pumping arrangements.* \* \* \*

(g) \* \* \*

$$d = \sqrt{\frac{L(B+D)}{2,500}} + 1 \text{ inch} \quad (63)$$

$$d = \sqrt{\frac{L(B+D)}{1,500}} + 1 \text{ inch} \quad (64)$$

##### PART 56—FUSION WELDING

Section 56.20-1 (a) is amended to read as follows:

§ 56.20-1 *Scope.* (a) The rules in this part apply to new construction and to repairs as prescribed in § 57.21-4.

Section 56.20-12 (m) is amended to read as follows:

**§ 56.20-12 Reinforced fusion-welded connections.** \* \* \*

(m) Materials for fusion-welded connections shall be in accordance with § 56.20-8. All welding for fusion-welded connections shall be equivalent to that required for the particular class of vessel to which the connection is attached.

**PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS**

Section 57.21-15 (e) is amended to read as follows:

**§ 57.21-15 Inspection of boilers of foreign-built vessels admitted to American registry.** \* \* \*

(e) When the inspection is completed and steam is raised on the boilers, an accumulation test shall be conducted, where required, in accordance with the provisions of § 52.14-3 to establish the fact that the safety valves have ample relieving capacity.

Section 57.21-28 is amended to read as follows:

**§ 57.21-28 Flanged connections.** Flanged pipe connection openings in boilers shall conform to the American Standard given in Table P-13 for the corresponding pipe size, and shall have the corresponding drilling for bolts or studs.

**Subchapter G—Ocean and Coastwise: General Rules and Regulations**

**PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)**

Section 59.11 (f) (8) is amended to read as follows:

**§ 59.11 Lifeboat equipment.** \* \* \*

**(f) Signal pistol.** \* \* \*

(8) All pistols and cartridges shall be marked with the name and address of the manufacturer and date of manufacture. Each pistol shall be proof-tested in the presence of an inspector by firing a charge double the normal charge, and, at the successful completion of this proof-test, the pistol shall be stamped with the letters "P. T." and the serial number. Report of test shall be forwarded to Headquarters showing the serial numbers of the guns passed.

Section 59.11 (z) is amended to read as follows:

**§ 59.11 Lifeboat equipment.** \* \* \*

(z) *Sea anchor.* After 1 January 1943, all new sea anchors and replacements for existing sea anchors shall be of a circular pattern with a mouth not less than 36 inches in diameter, constructed of No. 2 canvas strongly sewn and roped at the seams and having a length of not less than 5 feet from mouth to tip. The tip shall be arranged for securing therein a conical shaped oil container of at least 1 gallon capacity.

A strong metal hoop, of not less than ½ inch material, rendered corrosion-resistant by galvanizing or other suitable method is to be fitted around the mouth and strongly sewn into the canvas. A bridle of not less than 6 lines evenly spaced of 12-thread material shall be attached to the hoop and terminated in a ring or grommet for the attachment of a riding line.

Section 59.15 (b) is amended by changing the last sentence to read as follows:

**§ 59.15 Construction of metallic lifeboats of class 1A.** \* \* \*

(b) *Shell plating.* \* \* \* The laps of joints on keel, stem, and sternpost shall be at least two inches.

Section 59.15 (c) is amended by the addition of the following sentence:

(c) *Riveting.* \* \* \* In the attachment of the keel to the garboard plate, the distance from the edge of the plate to the center of the nearest row of rivets shall be about one-half an inch.

Section 59.55 (h) (6) is amended to read as follows:

**§ 59.55 Life preservers.** \* \* \*

**(h) Specifications for standard type kapok life preserver.** \* \* \*

(6) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

Section 59.55 (j) is amended by changing the proviso thereof to read as follows:

(j) *Shipboard inspections.* \* \* \* *Provided:* That at the annual inspection of a vessel, or oftener if necessary, at least 5 percent of all kapok life preservers, or such greater number as may be deemed necessary or desirable, shall be subjected to a buoyancy test by being entirely submerged in water for a period of two hours, after which they shall be capable of sustaining 16½ pounds net weight. Any such life preserver failing to meet the required test shall be immediately condemned and removed from the vessel's equipment, and a full detailed report of every such failure shall be immediately forwarded to the Supervising Merchant Marine Inspector of the district having jurisdiction.

Section 59.65 *Means of escape from steamers* is amended by deleting the second sentence of the first paragraph.

**PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)**

Section 60.9 (f) (8) is amended to read as follows:

**§ 60.9 Lifeboat equipment.** \* \* \*

**(f) Signal pistol.** \* \* \*

(8) (See § 59.11 (f) (8) of this chapter, which is identical with this subparagraph)

Section 60.9 (z) is amended to read as follows:

(z) *Sea anchor.* (See § 59.11 (z) of this chapter, which is identical with this paragraph)

Section 60.12 (b) is amended by changing the last sentence to read as follows:

**§ 60.12 Construction of metallic lifeboats of class 1A.** \* \* \*

(b) *Shell plating.* (See § 59.15 (b) of this chapter, which is identical with this paragraph)

Section 60.12 (c) is amended by the addition of the following sentence:

(c) *Riveting.* (See § 59.15 (c) of this chapter, which is identical with this paragraph)

Section 60.48 (h) (6) is amended to read as follows:

**§ 60.48 Life preservers.** \* \* \*

**(h) Specifications for standard type kapok life preserver.** \* \* \*

(6) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

Section 60.48 (j) is amended by changing the proviso thereof to read as follows:

(j) *Shipboard inspections.* (See § 59.55 (j) of this chapter, which is identical with this section)

Section 60.53 *Means of escape from steamers* is amended by deleting the second sentence of the first paragraph.

**PART 62—LICENSED OFFICERS AND CERTIFICATED LIEN**

Section 62.1 (e) (6) is amended to read as follows:

**§ 62.1 Original licenses.** \* \* \*

**(e) \* \* \***

(6) An active commission in the United States Navy, Marine Corps, Coast Guard, or the reserve components thereof.

Section 62.5 is amended to read as follows:

**§ 62.5 Rec examination and refusal of licenses.** (a) A person who has been examined and refused a license may be reexamined by the inspector who gave the examination at any time thereafter as determined by the inspector, but the applicant shall not be examined by any other inspector until one year has expired from the date of the refusal without the permission of the inspector who refused the applicant a license.

(b) Whenever a person is refused a license he shall be furnished with a written statement setting forth the cause of the refusal to grant the license.

Section 62.7 is amended to read as follows:

**§ 62.7 Certificate of lost license.** (a)

Whenever a person who holds a license loses his license, he shall report such loss to a Merchant Marine Inspector in Charge who shall issue a certificate of lost license after receiving satisfactory evidence of such loss and a record of the lost license from the office where it was issued. The certificate, issued for the unexpired term, shall have the same force and effect as the lost license and shall state the office of the inspector who issued the original license.

(b) Whenever a person reports the loss of his license, or whenever a license is stolen from the office of an inspector the Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector shall immediately report to the Commandant of the Coast Guard a description of the license and all the facts incident to its loss.

(c) Whenever a license is recovered, the Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector shall immediately report to the Commandant a description of the license and all the facts incident to its recovery.

Section 62.9 is amended by deleting the last undesignated paragraph thereof and inserting the following new paragraph in its place:

**§ 62.9 Renewal of licenses. \* \* \***

Whenever a person who holds a license applies for a renewal of his license, he shall appear in person before a Merchant Marine Inspector in Charge or a Supervising Merchant Marine Inspector, except that, when the applicant is some distance from a local district office and it would cause him great inconvenience and expense to appear in person, he may take the oath of office before any person authorized to administer oaths, and forward the executed oath, together with the license to be renewed and certificate of visual examination where required, to the Merchant Marine Inspector in Charge or the Supervising Merchant Marine Inspector of the district in which he resides or is employed and the license may be renewed by the said inspectors if no valid reason to the contrary be known to them. Whenever a person who holds a license is engaged in a service which necessitates his continuous absence from the United States and his license expires, he may make application in writing, through a consul or other authorized person, for renewal of his license to the Merchant Marine Inspector in Charge or Supervising Merchant Marine Inspector who issued the license to be renewed. With this application there shall also be submitted a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person, a satisfactory certificate of visual examination where required, and his certificate of citizenship, if naturalized. Upon receiving the application and the supporting papers, the Merchant Marine Inspector in Charge or the Supervising Merchant Marine Inspector shall renew the license if no valid reason to the contrary is known and shall notify the applicant of such renewal. The inspector who renews a license of an absentee holder shall attach the oath to the stub end of the license which is retained on file in his office.

No license as master, mate or pilot of any class of vessel shall be renewed without furnishing a certificate that the color sense of the applicant is normal.

Section 62.110 (b) (6) is amended to read as follows:

**§ 62.110 Original licenses. \* \* \***

(b) \* \* \*

(6) An active commission in the United States Navy, Marine Corps, or Coast Guard, or the reserve components thereof.

**PART 63—INSPECTION OF VESSELS**

Section 63.6 *Certificates of inspection* is deleted.

**PART 64—DUTIES OF INSPECTORS**

Section 64.2 is amended to read as follows:

**§ 64.2 Publication of inspectors' reports.** Annual reports shall not be made public until after they have been printed

and made public by the Coast Guard. No inspector or clerk shall make public any report without the consent of the Supervising Merchant Marine Inspector or the Commandant of the Coast Guard.

Section 64.3 is amended to read as follows:

**§ 64.3 Reports of Supervising Merchant Marine Inspectors and Merchant Marine Inspectors in Charge.** (a) It shall be the duty of the Supervising Merchant Marine Inspectors to inform in writing their respective Merchant Marine Inspectors in Charge of their decisions in cases of appeals.

(b) A Supervising Merchant Marine Inspector who grants a license to a vessel engaged in towing to carry persons in addition to its crew, under the Act approved February 23, 1901 (31 Stat. L. 800; 46 U.S.C. 458, 459), shall notify the Merchant Marine Inspector in Charge, in whose jurisdiction the vessel is to operate, who shall keep a record of the same.

(c) The Merchant Marine Inspector in Charge shall notify, through his Supervising Merchant Marine Inspector, the Merchant Marine Inspectors in Charge of adjoining districts of all revocations or suspensions of licenses, the names of all persons from whom licenses have been withheld, the names of all steam vessels neglecting or refusing to make repairs when ordered, and the names of all vessels that have been refused certificates of inspection with the reasons therefor.

**Subchapter H—Great Lakes: General Rules and Regulations**

**PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES**

Section 76.6a, reading as follows, is added to Part 76:

**§ 76.6a Life floats substituted for life rafts required on vessels of classes (a), (b), (c) and (d).** Life floats may be substituted for life rafts required by §§ 76.3–76.6, inclusive, of this part, during the interval between May 15 and September 15 in any one year, both dates inclusive.

Section 76.6b, reading as follows, is added to Part 76:

**§ 76.6b Additional life rafts required on vessels of classes (a), (b), (c) and (d).** All vessels of classes (a), (b), (c) and (d) shall have, in addition to all other lifeboats and life rafts required, one additional fully equipped life raft which shall be stowed in such a manner that it will float clear in the event of sinking of the vessel. On all vessels of 300 gross tons and over the life raft shall be not less than 15-person capacity.

Section 76.7 is amended to read as follows:

**§ 76.7 Lifeboats and life rafts required on vessels of class (e).** Vessels of class (e) shall be required to have lifeboat capacity to accommodate all persons on board; and all such vessels of 300 gross tons and over shall have, in addition, one fully equipped life raft of not less than 15-person capacity on board which shall be stowed in such manner that it will

float clear in the event of sinking of the vessel.

Section 76.8 is amended by inserting a new paragraph, to follow the third undesignated paragraph, reading as follows:

**§ 76.8 Lifeboats and life rafts required on vessels of class (f). \* \* \***

Towing vessels of 300 gross tons and over shall have, in addition to other lifeboats and life rafts required, one fully equipped life raft of not less than 15-person capacity on board which shall be stowed in such a manner that it will float clear in the event of sinking of the vessel.

**§ 76.11 Distress lights for lifeboats and life rafts** is deleted.

Section 76.14 is amended to read as follows:

**§ 76.14 Equipment for lifeboats on vessels of classes (a), (b), (c), (d) and (e).** All lifeboats on vessels of class (a), (b), (c), (d) and (e) shall be equipped as follows:

(a) *Bailer.* One bailer of sufficient size and suitable for bailing with lanyard attached.

(b) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 8 feet long by 1½ inches in diameter.

(c) *Bucket.* One galvanized iron bucket, of about two gallons capacity, with lanyard attached.

(d) *Compass.* One efficient liquid compass with not less than a 2-inch card.

(e) *Distress lights.* One watertight metal case containing 12 self-igniting red lights capable of burning at least two minutes and to give forth a brilliant red flame of not less than 500 candlepower. Each distress light shall be treated and made impervious to moisture, and the manufacturer shall place upon it a statement in clear, black letters covering the candlepower and burning range, directions for firing, the trade name of the distress light, and the name and address of the manufacturer. The container shall be constructed of 18-ounce or No. 22 B. W. G. copper or equally non-corrosive metal, lock-jointed and soldered, the bottom to be rolled in and soldered, and cover or top to be made of cast brass not less than ⅜ of an inch thick and 5 inches in diameter, to fit down on a rubber gasket to make container watertight. The cover shall be so constructed as to be easily removed. Either a flashlight or an approved signal pistol with 12 approved parachute signal cartridges may be substituted for 6 of the above distress lights, but at least 6 of the above lights shall be carried.

(f) *Flashlight.* (1) (Optional, see paragraph (e) of this section.) One 3-cell type, focusing flashlight and 3 extra standard batteries contained in a portable, watertight metal case. The flashlight shall be of rugged construction, of focusing type with a reflector head of about 2 inches in diameter. One extra lamp shall be provided for the flashlight.

(2) Flashlight batteries for the standard 3-cell type shall be of the sal-ammoniac type with depolarizer. They shall have a nonspillable electrolyte and be free from leakage during the useful



life of the cell. They shall be of the tubular construction, comprising 3-cells assembled in line, end to end, in a suitable close-fitting tube or jacket of new, chip, or strawboard. The brass cap on the carbon rod and the zinc bottom of the cell shall serve as the terminals. The batteries shall be marked with the "trade name of the cell, the name of the manufacturer, or trade-mark number, or designations of size, the date of manufacture, and the date of expiration of a guaranteed period for United States Marine Service." The batteries shall not be continued in use for lifeboat equipment for a period exceeding one year from the date of manufacture. The flashlight batteries allowed under this specification shall be of a quality to meet the National Bureau of Standards' tests as to voltage, capacity, delayed service, tests, and required performance.

(g) *Hatchets.* Two hatchets attached by lanyards and readily available, one at each end of the boat.

(h) *Illuminating oil.* One gallon of illuminating oil in a metal container.

(i) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(j) *Life line.* A life line, properly secured the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(k) *Life preservers.* Two life preservers.

(l) *Matches.* One box of friction matches in a watertight container, and carried in a box secured to the underside of the stern thwart or stowed in the locker.

(m) *Oars.* A full complement of oars; two spare oars and a steering oar with rowlock or becket conforming to the following requirements:

NUMBER AND LENGTH OF OARS

Length of boat	Minimum number of oars	Spare oars	Total, including steering oar	Rowing oars, minimum length	Steering oar, minimum length
16 feet and under 18 feet.....	4	2	7	19	12
18 feet and under 20 feet.....	4	2	7	11	13
20 feet and under 24 feet.....	4	2	7	13	14
24 feet and under 28 feet.....	6	2	8	14	15
28 feet and over.....	6	2	8	15	16

NOTE: Motor lifeboats and lifeboats fitted with propellers operated by hand shall be equipped with four oars and one steering oar.

(n) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the boat deck and the light draft.

(o) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains. Where an automatic plug is not provided for the drain hole, there shall be two plugs attached by chains.

(p) *Rowlocks.* One set and a half of thole pins or rowlocks attached to the boat by separate chains.

(q) *Rudder.* One rudder with tiller or yoke and yoke lines. Where it is difficult to install a rudder in boats of special construction, it may be omitted.

(r) *Sea anchor.* After 1 January 1943, all new sea anchors and replacements for existing sea anchors shall be of a circular pattern with a mouth not less than 36 inches in diameter, constructed of No. 2 canvas strongly sewn and roped at the seams and having a length of not less than 5 feet from mouth to tip. The tip shall be arranged for securing therein a conical shaped oil container of at least 1 gallon capacity.

A strong metal hoop, of not less than ½ inch material, rendered corrosion-resistant by galvanizing or other suitable method is to be fitted around the mouth and strongly sewn into the canvas. A bridle of not less than 6 line evenly spaced of 12 thread material shall be at-

tached to the hoop and terminate in a ring or grommet for the attachment of a riding line.

(s) *Signal pistol.* (Optional, see paragraph (e) of this section.) An approved signal pistol outfit consisting of an approved pistol with lanyard attached and 12 approved parachute signal cartridges, both contained in an approved portable watertight metal case. The signal cartridge shall contain a projectile which will give forth a brilliant red flame of not less than 20,000 candlepower and capable of being projected vertically to a height of not less than 150 feet and of not less than thirty seconds burning duration. Signal cartridges shall not be retained on board and in use for a period of more than four years from the date of manufacture.

(t) *Storm oil.* One gallon of vegetable or animal oil in a container, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(u) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs. The stowage of signal pistol outfits in lifeboats is discretionary with the master.

Section 76.14a reading as follows, is added to Part 76:

§ 76.14a *Equipment for lifeboats on vessels of class (f).* All lifeboats on vessels of class (f) shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 8 feet long by 1½ inches in diameter.

(b) *Bucket.* One galvanized iron bucket, of about two gallons capacity, with lanyard attached.

(c) *Hatchet.* One hatchet with lanyard attached.

(d) *Life line.* A life line, properly secured the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(e) *Life preservers.* Two life preservers.

(f) *Oars.* A full complement of oars and two spare oars.

(g) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the boat deck and the light draft.

(h) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains. Where an automatic plug is not provided for the drain hole, there shall be two plugs attached by chains.

(i) *Rowlocks.* One set of rowlocks and two spare rowlocks attached to the boat by separate chains.

(j) *Steering oar or rudder.* One steering oar with rowlock or becket, or one rudder with tiller or yoke and yoke lines.

(k) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

Section 76.18 (b) is amended by changing the last sentence to read as follows:

§ 76.18 *Construction of metallic lifeboats of class 1A.* \* \* \*

(b) *Shell plating.* (See § 59.15 (b) of this chapter, which is identical with this paragraph.)

Section 76.18 (c) is amended by the addition of the following sentence:

(c) *Riveting.* (See § 59.15 (c) of this chapter, which is identical with this paragraph.)

Section 76.48 is amended to read as follows:

§ 76.48 *Equipment for life rafts on vessels of classes (a), (b), (c), (d) and (e).* All life rafts on vessels of classes (a), (b), (c), (d) and (e) shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 6 feet long by 1½ inches in diameter.

(b) *Distress lights.* One watertight metal case containing six self-igniting red lights of the same character as distress lights required for lifeboats, and the container to be of the same material and construction as required for lifeboats: *Provided,* That a container of the same material and construction, with a

cover of not less than 3 inches in diameter, may be used.

(c) *Life line.* A life line properly secured entirely around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope.

(d) *Matches.* One box of friction matches in a watertight container.

(e) *Oars or paddles.* Four oars and one steering oar for all life rafts for seven persons and over. The oars shall be of suitable size but not less than 8 feet in length. Two paddles for all life rafts for six persons or less. The paddles shall be of suitable size but not less than 5 feet in length.

(f) *Painter.* One painter of manila rope not less than 2¼ inches in circumference and of a length not less than three times the distance between the boat deck and the light draft.

(g) *Rowlocks.* On life rafts for seven persons and over, five rowlocks attached by separate chains in such a manner that they may be used from either side of the raft. A becket may be substituted for the steering oar rowlock.

(h) *Sea anchor.* One sea anchor constructed of good quality canvas or other satisfactory material; and, if of circular pattern, to be not less than two feet in diameter.

(i) *Self-igniting water light.* One self-igniting water light of approved type, as provided in § 76.54 of this part, attached to the life raft by a manila lanyard, of about 15-thread, three fathoms in length.

(j) *Storm oil.* One gallon of vegetable or animal oil in a container so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

(k) *Stowage of equipment.* All loose equipment shall be securely attached to the life raft to which it belongs.

Section 76.48a, reading as follows, is added to Part 76:

§ 76.48a *Equipment for life rafts on vessels of class (f).* All life rafts on vessels of class (f) shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 6 feet long by 1½ inches in diameter.

(b) *Life line.* A life line properly secured entirely around the sides and ends of the life raft, festooned in bights not longer than 3 feet with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope.

(c) *Oars or paddles.* Four oars and one steering oar for all life rafts for seven persons and over. The oars shall be of suitable size but not less than 8 feet in length. Two paddles for all life rafts for six persons or less. The paddles shall be of suitable size but not less than 5 feet in length.

(d) *Painter.* One painter of manila rope not less than 2¼ inches in circumference and of a length not less than

three times the distance between the boat deck and the light draft.

(e) *Rowlocks.* On life rafts for seven persons and over, five rowlocks attached by separate chains in such a manner that they may be used from either side of the raft. A becket may be substituted for the steering oar rowlock.

(f) *Self-igniting water light.* One self-igniting water light of approved type, as provided in section 76.54 of this part, attached to the life raft by a manila lanyard, of about 15-thread, three fathoms in length, required only on towing vessels of 300 gross tons and over.

(g) *Stowage of equipment.* All loose equipment shall be securely attached to the life raft to which it belongs.

Section 76.48b, reading as follows, is added to Part 76:

§ 76.48b *Equipment for life floats.* All life floats shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 6 feet long by 1½ inches in diameter.

(b) *Life line.* A life line properly secured entirely around the sides and ends of the float, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than a 12-thread manila rope.

(c) *Paddles.* Four paddles.

(d) *Painter.* One painter of manila rope not less than 2¼ inches in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(e) *Self-igniting water light.* One self-igniting water light of approved type of the same character as required for life rafts, as provided in § 76.54 of this part, attached to the float by a manila lanyard, of about 15-thread, three fathoms in length.

(f) *Stowage of equipment.* The boat hook and paddles shall be securely lashed on the sides of the life float to which they belong.

Section 76.52 (h) (6) is amended to read as follows:

§ 76.52 *Life preservers.* \* \* \*

(h) *Specifications for standard type kapok life preserver.* \* \* \*

(6) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

Section 76.52 (j) is amended by changing the proviso thereof to read as follows:

(j) *Shipboard inspections.* (See § 59.55 (j) of this chapter, which is identical with this section.)

Section 76.55 *Flashlights and batteries for lifeboats* is deleted.

Section 76.58 *Means of escape from steam vessels* is amended by deleting the second sentence of the first paragraph.

Section 76.58a, reading as follows, is added to Part 76:

§ 76.58a *Storm shutters; means of escape from boilerhouse to engine room.*

Steam vessels navigating the waters of the Great Lakes, so constructed as to have deck houses on the main or spar deck and exposed to the sea, shall be provided with storm shutters for the windows. Where the doors of such deck houses are not constructed of steel or iron plate, or of wood having a thickness of not less than 2 inches, the doors shall be provided with storm doors or shutters. Where the boilerhouse is located on the main or spar deck and exposed to the sea, an avenue of escape shall be provided from the boilerhouse to the engine room or through the top of the boilerhouse with the necessary ladders and scuttle, thereby enabling the boilerhouse doors to be kept closed during heavy weather.

#### PART 76—LICENSED OFFICERS AND CERTIFICATED MEN

Section 78.1 is amended to read as follows:

§ 78.1 *Original licenses.* (For text of this section see § 62.1 of this chapter, published April 7, 1942, 7 F.R. 2642, and as amended by this order.)

Section 78.5 is amended to read as follows:

§ 78.5 *Reexamination and refusal of licenses.* (See § 62.5 of this chapter which is identical with this section.)

Section 78.7 is amended to read as follows:

§ 78.7 *Certificate of lost license.* (See § 62.7 of this chapter which is identical with this section.)

Section 78.9 is amended by deleting the last paragraph thereof and inserting the following paragraphs in its place:

§ 78.9 *Renewal of licenses.* (See § 62.9 of this chapter, which is identical with this section.)

Section 78.37 is amended to read as follows:

§ 78.37 *Extension of pilot's route.*

(a) The pilot shall submit a written application to the Merchant Marine Inspector in Charge, on the form furnished by the Coast Guard, stating the extension of route desired. The pilot shall be given a written examination on the aids to navigation covering the extension of route desired, and, if found qualified, shall receive the extension.

(b) A Merchant Marine Inspector in Charge may endorse a pilot's license for authority to act on the waters outside of his jurisdiction subject to the examination and approval of the Merchant Marine Inspector in Charge having jurisdiction over the waters for which such additional authority is desired. The Merchant Marine Inspector in Charge to whom such application is made shall forward the application for approval to the Merchant Marine Inspector in Charge having jurisdiction who, if he approves the application, shall return the application together with a list of questions and subjects upon which the applicant is to be examined. When the examination is completed, it shall be returned to the Merchant Marine Inspector in Charge having jurisdiction, and, if he is satisfied

from the examination that the applicant is capable, he shall advise the Merchant Marine Inspector in Charge who gave the examination to endorse the license accordingly.

Section 78.105 (c) is amended to read as follows:

**§ 78.105 General. \* \* \***

(c) (For text of this paragraph see § 62.204 (c) of this chapter, published April 7, 1942, 7 F.R. 2642, as amended June 4, 1942, 7 F.R. 4235.)

**PART 79—INSPECTION OF VESSELS**

Section 79.6 *Certificates of inspection* is deleted.

Section 79.12 (e) *Cable traveler* is deleted.

Section 79.13 *Storm shutters; means of escape from boilerhouse to engine room* is deleted.

Section 79.20 *Life rafts required* is deleted.

**PART 83—DUTIES OF INSPECTORS**

Section 83.1 is amended to read as follows:

§ 83.1 *Publication of inspectors' reports.* (See § 64.2 of this chapter which is identical with this section.)

Section 83.2 is amended to read as follows:

§ 83.2 *Reports of Supervising Merchant Marine Inspectors and Merchant Marine Inspectors in Charge.* (See § 64.3 of this chapter, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

**PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVERING APPLIANCES**

Section 94.2 is amended by adding to the last undesignated paragraph a new sentence which reads as follows:

**NUMBER AND LENGTH OF OARS**

Length of boat	Minimum number of oars	Spare oars	Rowing oars, minimum length in feet
16 feet and under 18 feet	4	2	10
18 feet and under 20 feet	4	2	11
20 feet and under 24 feet	4	2	13
24 feet and under 28 feet	6	2	14
28 feet and over	6	2	15

NOTE: Motor lifeboats and lifeboats fitted with propellers operated by hand shall be equipped with four oars and one steering oar.

(i) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the boat deck and the light draft.

(j) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains. Where an automatic plug is not provided for the drain hole, there shall be two plugs attached by chains.

(k) *Rowlocks.* One full complement of rowlocks and two spare rowlocks, each rowlock attached to the boat by a separate chain.

**§ 94.2 Lifeboats and life rafts required on steam vessels carrying passengers. \* \* \***

Approved life floats may be substituted for life rafts on vessels carrying passengers operated south of the thirty-third parallel of north latitude and on vessels carrying passengers operated north of the thirty-third parallel of north latitude during the interval between the 15th day of May to the 15th day of October, in any one year, both dates inclusive.

Section 94.13 is amended to read as follows:

§ 94.13 *Equipment for lifeboats.* All lifeboats shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 8 feet long by 1½ inches in diameter.

(b) *Bucket.* One galvanized iron bucket, of about two gallons capacity, with lanyard attached.

(c) *Hatchet or ax.* One hatchet or ax, with lanyard attached.

(d) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(e) *Life line.* A life line, properly secured the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(f) *Life preservers.* Two life preservers.

(g) *Matches.* One box of friction matches in a watertight container and carried in a box secured to the underside of the stern thwart or stowed in the locker.

(h) *Oars.* A full complement of oars, and two spare oars conforming to the following requirements:

(l) *Steering oar or rudder.* One steering oar with rowlock or becket, or rudder with tiller or yoke and yoke lines.

(m) *Storage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

Section 94.48 is amended to read as follows:

§ 94.48 *Equipment for life rafts.* All life rafts shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 6 feet by 1½ inches in diameter.

(b) *Life line.* A life line properly secured entirely around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope.

(c) *Oars or paddles.* Four oars and one steering oar for all life rafts for seven persons and over. The oars shall be of suitable size but not less than 3 feet in length. Two paddles for all life rafts for six persons or less. The paddles shall be of suitable size but not less than 5 feet in length.

(d) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the boat deck and the light draft.

(e) *Rowlocks.* On life rafts for seven persons and over, five rowlocks attached by separate chains in such a manner that they may be used from either side of the raft. A becket may be substituted for the steering oar rowlock.

(f) *Storage of equipment.* The boat hook and oars or paddles shall be securely lashed on the sides of the life raft to which they belong.

Section 94.49, reading as follows, is added to Part 94:

§ 94.49 *Equipment for life floats.* All life floats shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 6 feet long by 1½ inches in diameter.

(b) *Life line.* A life line properly secured entirely around the sides and ends of the float, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than a 12-thread manila rope.

(c) *Paddles.* Four paddles.

(d) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the boat deck and the light draft.

(e) *Storage of equipment.* The boat hook and paddles shall be securely lashed on the sides of the life float to which they belong.

Section 94.52 (h) (6) is amended to read as follows:

**§ 94.52 Life preservers. \* \* \***

(h) *Specifications for standard type kapok life preserver. \* \* \**

(6) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

Section 94.52 (j) is amended by changing the proviso thereof to read as follows:

(j) *Shipboard inspections.* (See § 59.55 (j) of this chapter, which is identical with this section.)

Section 94.57 *Means of escape from steamers* is amended by deleting the second sentence of the first paragraph.

## PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Section 96.1 is amended to read as follows:

§ 96.1 *Original licenses.* (For text of this section see § 62.1 of this chapter, published April 7, 1942, 7 F.R. 2642, as amended by this order.)

Section 96.5 is amended to read as follows:

§ 96.5 *Reexamination and refusal of licenses.* (See § 62.5 of this chapter which is identical with this section.)

Section 96.7 is amended to read as follows:

§ 96.7 *Certificate of lost license.* (See § 62.7 of this chapter which is identical with this section.)

Section 96.9 is amended by deleting the last paragraph thereof and inserting the following new paragraphs in its place:

§ 96.9 *Renewal of licenses.* (See § 62.9 of this chapter, which is identical with this section.)

Section 96.36 is amended to read as follows:

§ 96.36 *Extension of pilot's route.* (See § 78.37 of this chapter which is identical with this section.)

## PART 97—INSPECTION OF VESSELS

Section 97.6 *Certificates of inspection* is deleted.

## PART 101—DUTIES OF INSPECTORS

Section 101.1 is amended to read as follows:

§ 101.1 *Publication of inspectors' reports.* (See § 64.2 of this chapter which is identical with this section.)

Section 101.2 is amended to read as follows:

§ 101.2 *Reports of Supervising Merchant Marine Inspectors and Merchant Marine Inspectors in Charge.* (See § 64.3 of this chapter which is identical with this section.)

## Subchapter J—Rivers: General Rules and Regulations

## PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAIVING APPLIANCES

Section 113.4 is amended to read as follows:

§ 113.4 *Lifeboats and life rafts or life floats required on steam vessels carrying passengers.* Steam vessels carrying passengers shall be equipped with lifeboats of sufficient capacity to accommodate at one time at least 10 percent of all persons on board, including passengers and crew. Three-fourths of such equipment may be in approved life rafts, approved life floats, or approved collapsible lifeboats.

Section 113.22 is amended to read as follows:

§ 113.22 *Equipment for lifeboats on vessels on all rivers except western rivers whose waters flow into the Gulf of Mexico and the Yukon River.* All lifeboats ex-

cept those provided for in § 133.22a of this part shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 8 feet long by 1½ inches in diameter.

(b) *Bucket.* One galvanized iron bucket, of about two gallons capacity, with lanyard attached.

(c) *Hatchet or ax.* One hatchet or ax, with lanyard attached.

(d) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(e) *Life line.* A life line, properly secured the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(f) *Life preservers.* Two life preservers. Wooden floats may be substituted where permitted by law.

(g) *Matches.* One box of friction matches in a watertight container and carried in a box secured to the underside of the stern thwart or stowed in the locker.

(h) *Oars.* A full complement of oars and two spare oars.

(i) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the boat deck and the light draft.

(j) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains. Where an automatic plug is not provided for the drain hole, there shall be two plugs attached by chains.

(k) *Rowlocks.* One full complement of rowlocks and two spare rowlocks, each rowlock attached to the boat by a separate chain.

(l) *Steering oar or rudder.* One steering oar with rowlock or becket, or one rudder with tiller or yoke and yoke lines.

(m) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

Section 113.22a, reading as follows, is added to Part 113:

§ 113.22a *Equipment for lifeboats on vessels on western rivers whose waters flow into the Gulf of Mexico and the Yukon River.* All lifeboats on vessels navigating the Red River of the North, rivers whose waters flow into the Gulf of Mexico, and the Yukon River shall be equipped as follows:

(a) *Boat hook.* One boat hook of clear-grained wood of suitable length but not less than 8 feet long by 1½ inches in diameter.

(b) *Hatchet or ax.* One hatchet or ax, with lanyard attached.

(c) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(d) *Life line.* A life line, properly secured the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The

life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(e) *Life preserver.* One life preserver. A wooden float may be substituted where permitted by law.

(f) *Matches.* One box of friction matches in a watertight container and carried in a box secured to the underside of the stern thwart or stowed in the locker.

(g) *Oars.* Four oars and one spare oar.

(h) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the boat deck and the light draft.

(i) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains. Where an automatic plug is not provided for the drain hole, there shall be two plugs attached by chains.

(j) *Rowlocks.* Four rowlocks and one spare rowlock, each rowlock attached to the boat by a separate chain.

(k) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

Section 113.23 is amended by changing the headline and by deleting the last six undesignated paragraphs thereof and substituting the following in their stead:

§ 113.23 *How lifeboats shall be carried; davits and cranes required.* \* \* \*

No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Commandant.

No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after December 31, 1942, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight; i. e., 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency, proclaimed by the President on May 27, 1941, if evidence is presented to the Coast Guard to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the vessel.

Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

Where steel castings are used for davit frames or davit arms this material

shall be fully annealed and comply with the following requirements:

(In substantial agreement with A. S. T. M. Spec. A-27-39 and A-215-39T)

Tensile strength minimum psi.....	66,000
Yield point minimum psi.....	33,000
Elongation in 2 inches minimum percent.....	22
Reduction of area minimum percent.....	33

Chemical composition for castings not intended to be fusion welded.

(In substantial agreement with A. S. T. M. Spec. A-27-39)

Manganese maximum percent.....	1.00
Phosphorus maximum percent.....	.05
Sulphur maximum percent.....	.06

Chemical composition of castings intended to be fabricated by fusion welding.

(In substantial agreement with A.S.T.M. Spec. A-215-39T)

Carbon maximum percent.....	0.30
Manganese maximum percent.....	.70
Phosphorus maximum percent.....	.05
Sulphur maximum percent.....	.06
Silicon maximum percent.....	.50

Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A.S.T.M. Spec. A-131-39)

Tensile strength psi.....	60,000 to 72,000
Yield point minimum psi.....	0.5 T.S.
Elongation in 8 inches minimum percent.....	1,500,000
.....	Ten. Str.
Elongation in 2 inches minimum percent.....	22

Where welding is employed in the construction of davits, the welders shall be qualified by the Coast Guard.

All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements, he shall stamp the davit arm and frame with the letters B. M. I. N., the initials of his name and the letters F. T., and date of inspection.

Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.

All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 percent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the frame and arms, if of cast material, shall be subjected to a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements, he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.

No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto.

Section 113.31 *Construction of rafts of the catamaran type* is amended by deleting the last paragraph thereof.

Section 113.31a, reading as follows, is added to Part 113:

§ 113.31a *Care of life rafts.* (See § 59.46 of this chapter, which is identical with this section.)

Section 113.43 is amended to read as follows:

§ 113.43 *Equipment for life rafts.* (See § 94.48 of this chapter, which is identical with this section.)

Section 113.43a, reading as follows, is added to Part 113:

§ 113.43a *Equipment for life floats.* (See § 94.49 of this chapter, which is identical with this section.)

Section 113.44 (h) (6) is amended to read as follows:

§ 113.44 *Life preservers.* \* \* \*  
(h) *Specifications for standard type kapok life preservers.* \* \* \*

(6) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch.

Section 113.44 (j) is amended by changing the proviso thereof to read as follows:

(j) *Shipboard inspections.* (See § 59.55 (j) of this chapter, which is identical with this section.)

Section 113.48 *Means of escape from steamers* is amended by deleting the second sentence of the first paragraph.

#### PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.13 *Connecting, bilge, and sounding pipes; hose tests* is amended by deleting the last two undesignated paragraphs thereof.

Section 114.14b, reading as follows, is added to Part 114:

§ 114.14b *Fire-fighting equipment on vessels using oil as fuel.* (a) On all vessels of 500 gross tons and over, using oil as fuel, there shall be in each fireroom a metal tank containing 10 cubic feet of sand, fitted with a scoop or shaker, for fire purposes; also two or more approved fire extinguishers of the carbon dioxide (CO<sub>2</sub>) type, of not less than 15 pounds capacity each, or two foam type fire extinguishers of not less than 2½ gallons capacity each.

(b) On all vessels of less than 500 gross tons, using oil as fuel, there shall be in each fireroom a metal tank containing not less than 5 cubic feet of sand, fitted with a scoop or shaker, for fire purposes; also one carbon dioxide fire extinguisher of not less than 15 pounds capacity, or one foam type fire extinguisher of not less than 2½ gallons capacity.

#### PART 115—LICENSED OFFICERS

Section 115.1 is amended to read as follows:

§ 115.1 *Original licenses.* (For text of this section see § 62.1 of this chapter, published April 7, 1912, 7 F.R. 2642, as amended by this order.)

Section 115.5 is amended to read as follows:

§ 115.5 *Reexamination and refusal of licenses.* (See § 62.5 of this chapter, which is identical with this section.)

Section 115.7 is amended to read as follows:

§ 115.7 *Certificate of lost license.* (See § 62.7 of this chapter, which is identical with this section.)

Section 115.9 is amended by deleting the last undesignated paragraph thereof and inserting the following new paragraph in its place:

§ 115.9 *Renewal of licenses.* (See § 62.9 of this chapter, which is identical with this section.)

Section 115.35 is amended to read as follows:

§ 115.35 *Extension of pilot's route.* (See § 78.37 of this chapter, which is identical with this section.)

#### PART 116—INSPECTION OF VESSELS

Section 116.6 *Certificates of inspection* is deleted.

#### PART 120—DUTIES OF INSPECTORS

Section 120.1 is amended to read as follows:

§ 120.1 *Publication of inspectors' reports.* (See § 64.2 of this chapter, which is identical with this section.)

Section 120.2 is amended to read as follows:

§ 120.2 *Reports of Supervising Merchant Marine Inspectors and Merchant Marine Inspectors in Charge.* (See § 64.3 of this chapter, which is identical with this section.)



Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

Part 156, reading as follows, is added to Subchapter O, Emergency Regulations:

PART 156—INSPECTION AND CERTIFICATION  
Sec.

156.1 Definition of terms.

156.2 Drydocking of tank vessels navigating fresh water exclusively.

§ 156.1 *Definition of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on 27 May 1941.

§ 156.2 *Drydocking of tank vessels navigating fresh water exclusively.* The provisions of § 31.3-7 (a) (3) of this chapter, which require that tank vessels used in fresh water service exclusively shall be drydocked or hauled out at least once in every 5 calendar years, are hereby suspended for the duration of the emergency.

MISCELLANEOUS ITEMS OF EQUIPMENT  
APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

*Davits*

Schat Low Type SS davit (maximum working load of 7,000 pounds per arm) (Dwg. CA-301), submitted by Marine Safety Devices, Inc., New York, N. Y.

Landley sheath screw davit, Type 4-CS-66-X (maximum working load of 4,750 pounds per arm) (Dwg. No. 331-D-X, dated 7 April, 1942), submitted by The Landley Company, Inc., New York, N. Y.

*Life Rafts*

15-person catamaran type life raft (Dwg. No. 8000-D, dated 11 August 1942; and Dwg. No. C-109, dated 20 July 1942), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.

18-person catamaran type life raft (Dwg. No. GVT 3690-A, dated 1 June 1942), submitted by John Albert Company, Long Island City, N. Y.

20-person catamaran type life raft (Dwg. No. R-4, dated 31 July 1942), submitted by the Suburban Supply Corporation, Great Neck, N. Y.

15-person catamaran type life raft (Dwg. No. 552, rev. 11 August 1942), submitted by United Marine Manufacturing Company, Long Beach, Calif.

15-person catamaran type life raft (Dwg. No. 5, dated 15 August 1942), submitted by Dougherty's Body Works, Lancaster, Pa.

*Life Floats*

Rectangular hollow balsa wood life float, 40-person capacity, 10'8" x 6'0", 13" thickness of body (Dwg. BF-10, Alt. 13 July 1942), manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Life floats, Model Numbers E-100 (15-person), E-2500 (25-person), and E-6000 (60-person), (Navy Dwg. BU No. 469814, dated 2 Oct. 1941); H-100 (15-person)

and H-2500 (25-person), (Navy Dwg. SK No. 018309, dated April 1942); also Model W-100 (15-person) (undated drawing marked "W Models"); manufactured by Savage Boat Works, Los Angeles, Calif.

15-person rectangular balsa wood life float (Dwg. No. LFB-15-PS, dated 24 July 1942), submitted by Seaway Manufacturing Company, Inc., New Orleans, La.

25-person rectangular hollow balsa wood life float (Dwg. dated 11 July 1942), manufactured by General Store Equipment Incorporated, New York, N. Y.

15-person elliptical life floats, Model ELL (Dwg. No. 6611) and Model SK (Dwg. No. 6612), manufactured by the Modern Bell Company, Huntington Park, Calif.

*Life Preservers*

No. T-87 adult kapok life preserver (24 oz. kapok) (Dwg. dated 1 August 1942) Approval No. B-167, manufactured by Cluff Fabric Products, Inc., New York, N. Y. (Approved for general use and also for use with lifesaving suits.)

Style 10-B-3 adult kapok life preserver (Dwg. dated 1 August 1942, rev. 10 August 1942) Approval No. B-163, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved for general use and also for use with lifesaving suits.)

Style 10-B-1 adult kapok life preserver (Dwg. dated 1 August 1942) Approval No. B-165, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved for general use and also for use with lifesaving suits.)

No. SAKJ-13 kapok life preserver (Navy standard type) (Dwg. No. SAKJ-13, dated 19 July 1942) Approval No. B-166, manufactured by Seaway Manufacturing Co., Inc., New Orleans, La.

No. SAKJ-17 adult kapok life preserver (Dwg. No. SAKJ-17, dated 13 August 1942) Approval No. B-164, manufactured by Seaway Manufacturing Co., Inc., New Orleans, La. (Approved for general use and also for use with lifesaving suits.)

*Thread For Life Preservers*

Sturdy Stitching Thread, 25/3, polished finish, manufactured by Textile Thread Company, Watertown, Mass.

Samson 10/3 cotton thread, manufactured by Cranska Thread Co., Worcester, Mass.

*Fire-Resistive Substance*

Aspinook finish #30S fire and weather-resistant treatment of cotton drill for life preserver cover fabric, manufactured by the Aspinook Corporation, New York, N. Y.

*Lifesaving Suit*

The B. F. Goodrich Company lifesaving suit, Model 2, manufactured by the B. F. Goodrich Co., Akron, Ohio. (In conjunction with life preservers bearing approval numbers B-153, B-155, B-156, B-158, B-161, B-162, B-163, B-164, B-165, or B-167.)

*Hand Distress Signals*

Red Ship Signal hand distress signal, manufactured by Central Railway Signal Company, Inc., Newton, Mass.

Chemurgic Red Ship Signal hand distress signal, manufactured by Chemurgic Corporation, Richmond, Calif.

*Water Light*

Coslite automatic floating electric water light (Dwg. No. 10, dated 15 June 1942), submitted by Coston Supply Co., New York, N. Y.

*Signal Pistol*

Sedgley Improved Signal Pistol, 37 M/M, Mark 4, manufactured by R. F. Sedgley, Inc., Philadelphia, Pa.

R. R. WAESCHE,  
Commandant.

SEPTEMBER 24, 1942.

[F. R. Doc. 42-9534; Filed, September 26, 1942; 9:14 a. m.]

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R.S. 161, 4405, 4417, 4417a, 4418, 4433, 4488, as amended, 49 Stat. 1544 (5 U.S.C. 22, 46 U.S.C. 375, 391, 391a, 392, 411, 481, 367) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1600), the following amendments to the Inspection and Navigation Regulations are prescribed:

Subchapter F—Marine Engineering

PART 52—CONSTRUCTION

Section 52.15-6 (d) (2) is amended to read as follows:

§ 52.15-6 *Feed valves.* \* \* \*

(d) \* \* \*

(2) Each boiler shall be provided with an independently driven main feed pump capable of supplying the boiler at its normal required operating capacity.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.2 (b) (1) is amended to read as follows:

§ 153.2 *Additional lifesaving equipment on ocean and coastwise vessels.* \* \* \*

(b) *Cargo vessels and tank ships.*—(1) *Lifeboats and rafts.* Cargo vessels and tank ships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided*, That on ocean and coastwise tank ships of 3,000 gross tons and over, having superstructure amidships, and propelling machinery aft, the lifeboat capacity required by Part 33 of this chapter shall be provided by at least 4 lifeboats, one on each side in way of the after accommodations and one on each side in way of amidships accommodations. *Provided, further*, That where the number of persons permitted by the certificate of inspection is augmented by the addition of Naval personnel for the purpose of protection or observation, additional lifeboat capacity for such personnel will not be required. Cargo vessels and tank ships shall, in addition to the lifeboatage required, be

equipped with sufficient approved life rafts to accommodate all persons on board. Rafts shall not have a greater capacity than 20 persons nor less capacity than 15 persons. The minimum number of rafts to be furnished such vessels certificated for routes exceeding 200 miles offshore shall be four.

Section 153.3 (b) is amended to read as follows:

**§ 153.3 Lifeboats on ocean and coastwise vessels. \* \* \***

(b) *Readiness for lowering.* Masters shall, with due regard to safety, cause all lifeboats attached to davits other than gravity davits to be properly gripped in the outboard position as will allow immediate lowering in case of emergency. On all vessels guys are to be rigged from the davit heads when the boats are carried in the outboard position.

Section 153.3 is amended by the addition of a new paragraph (c) reading as follows:

**§ 153.3 Lifeboats on ocean and coastwise vessels. \* \* \***

(c) *Cubic capacity of lifeboats.* On all mechanically propelled ocean and coastwise cargo and tank vessels which are certificated for the first time after 1 January, 1943, the cubic carrying capacity of the lifeboats provided shall be calculated on the basis of 15 cubic feet per person. This rated carrying capacity shall be plainly marked on at least two of the thwarts. On such lifeboats the marking of the name plate with rated carrying capacity in persons, shall be omitted.

(1) *Air tanks of lifeboats.* The air tank capacity in such lifeboats shall equal at least one-tenth of the total volume of the lifeboat in cubic feet and in addition sufficient air tank capacity shall be provided to float the boat (including its equipment) when filled with water.

(2) *Provisions and water.* In all cases such lifeboats shall be provided with provisions and water as required by these regulations for the number of persons which the boat will accommodate on the basis of ten cubic feet per person.

Section 153.3a, reading as follows, is added to Part 153:

**§ 153.3a Motor lifeboats.** On all ocean and coastwise ships of 3,000 gross tons and over which are certificated for the first time after January 1, 1943, one of the lifeboats on each side shall be motor-propelled.

(a) *Equipment.* In addition to being provided with all equipment required for lifeboats, such motor lifeboats shall carry at least two one-quart size fire extinguishers of the carbon tetrachloride type. Motor lifeboats carried on passenger vessels in compliance with § 59.5 of this chapter shall in all cases be fitted with a radio installation and a searchlight in accordance with § 59.11a of this chapter.

(b) *Motor and accessories.* The engine for motor-propelled lifeboats shall be of a reliable type, permanently installed inside the lifeboat.

The power of motor lifeboats shall be such that the speed through the water, in smooth water, shall be at least six

knots when fully loaded. Under these conditions, fuel capacity sufficient for twenty-four hours' continuous operation shall be provided.

Suitable provision shall be made for going astern.

The motor shall be protected by a weatherproof enclosure. The top of the enclosure shall be constructed so that it may be removed when necessary and shall be fitted with a ventilator of a water-protector type.

Fittings, pipes, and connections shall be of high standard and good workmanship and installed in accordance with good practice. There shall be a strainer between carburetor and fuel tank and an efficient hand starter.

Section 153.6 is amended by changing paragraphs (a), (d), and (p) to read as follows:

**§ 153.6 Additional equipment for lifeboats on ocean and coastwise vessels. \* \* \***

(a) *Bilge pump.* Lifeboats constructed on or after 1 January 1943 shall be equipped with an approved semi-rotary wing type or equally suitable and efficient bilge pump permanently affixed in a suitable position in the boat. The pump shall be of a type not easily deranged, the materials used in its construction shall be of a character not readily deteriorated by the action of salt water, and it shall be so constructed as to be readily disassembled for repairs. A suitable foot valve shall be located on the suction side of the pump and the suction opening shall have a cross-sectional area of not less than .7854 square inch. The pump shall be located well down in the center line of the boat and be fitted with a flexible discharge hose at least 6 feet in length and having a cross-sectional area of opening not less than that of the suction opening.

(1) Lifeboats built prior to 1 January 1943 shall be provided with a pump of the type specified above or a good quality barrel bilge pump may be provided. The material of which the pump is manufactured shall be of a corrosion-resisting character. The barrel shall be at least 2 inches in diameter and fitted with a discharge hose at least 6 feet in length and not less than 1½ inches in diameter.

(2) All pump suction shall be fitted with suitable strainers and provision shall be made for allowing the strainer to be cleaned.

(d) *Drinking cups.* A total of three drinking cups at least two of which shall be of the well-bucket type, consisting of a tubular bucket about one inch in diameter and three inches long, marked in one-half ounce graduations. A chain or lanyard shall be attached to bucket-type cups in order that they may be dropped into the drinking water tanks. Drinking cups shall be fabricated of rust-resisting material.

(p) *Water containers—(1) Existing lifeboats.* Lifeboats constructed prior to 15 October 1942 shall carry a total of at least 10 quarts of water for each person the boat will, on the basis of 10 cubic feet per person, accommodate. An equal

number of air tanks, from each side of the boat, may be removed and replaced with water containers, or the air tanks may be converted to water containers by reinforcing them where necessary and securely attaching a watertight fitting at the top of each tank through which the water may be extracted. No valves, cocks, etc. for drawing off the water shall be fitted. The drinking water previously required in existing boats may also be carried in these side water containers if capacity and other considerations make it desirable.

(2) *New lifeboats.* Lifeboats constructed after 15 October 1942, shall be provided with at least ten quarts of fresh water for each person the boat will, on the basis of ten cubic feet per person, accommodate. Drinking water shall be distributed and stowed as follows:

Four separate tanks preferably having approximately the same capacities equally distributed in inboard and outboard locations, as for example: one side tank port and one side tank starboard under the side benches plus two inboard tanks symmetrically located under the side benches, thwarts, or in the ends of the boat.

Drinking water tanks shall be substantially constructed of galvanized steel or equivalent corrosive-resistant material. When a tank has a capacity in excess of 25 gallons, a swash plate shall be fitted. A threaded nipple, approximately 2" inside diameter, is to be substantially attached to the top of the tank. The nipple is to project upward a sufficient distance to receive a corrosive-resistant screw cap knurled or otherwise provided with means so that it can be easily removed by hand. A reinforced opening not less than 5 inches in diameter fitted with a watertight cover shall be provided in the upper portion of each tank to permit internal examination and treatment. No spigot or cocks are to be fitted. A threaded metal drain plug and flange shall be provided in the bottom of each tank in such position that it is easily accessible for removal by wrench when the tank is in its stowed position in the boat. Water tanks shall be substantially supported away from the inside of the boat and shall be readily removable for examination.

Section 153.6 is further amended by the addition of new paragraphs (s), (t), and (u) reading as follows:

(s) *Fishing kit.* On every ocean vessel of over 3,000 gross tons there shall be provided in each lifeboat one fishing kit consisting of the following equipment:

2 wire leaders, each with attachments for two fishing hooks, complete with swivels and lock-fast snaps.

18 salt water fish hooks (three #3, three #2, three #1, three 1/0, three 3/0, three 6/0).

200 feet of 100-lb. test tarred fish line 6 two-ounce lead sinkers.

The fish kit is to be packed in a substantial watertight metal container with screw top, sealed. All materials shall be

protected against or resistant to corrosion and of rugged construction.

(t) *Daytime distress signals.* Four self-contained smoke signals of an approved type. Such signals shall be positively and easily operated and under adverse weather conditions, shall produce, while floating on the surface of the water, smoke in sufficient intensity, volume, and color, as to be easily visible from air craft.

(u) *Signaling mirrors.* Two stainless steel or other suitably polished metal mirrors having at least twenty square inches of reflecting surface on each side. The mirrors shall be heavily coated with a neutral preservative grease and wrapped in a waterproof container plainly marked "Signaling Mirrors".

Section 153.7 is amended by the addition of a new paragraph (i) which reads as follows:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.*

(i) *Signaling mirrors.* Two stainless steel or other suitably polished metal mirrors having at least twenty square inches of reflecting surface on each side. The mirrors shall be heavily coated with a neutral preservative grease and wrapped in a waterproof container plainly marked "Signaling Mirrors".

Section 153.14a, reading as follows, is added to Part 153:

§ 153.14a *Abandon ship kit.* All ocean and coastwise vessels of 3,000 gross tons and over shall carry at least 2 abandon ship kits. The articles composing the abandon ship kit, as listed below, shall be packed in a compact manner in a watertight container. Unless the container is of such nature that tampering will be readily evident, it shall be provided with a seal over the opening device. The kit shall be fitted with a shoulder-carrying strap or equivalent and, as packed, shall be sufficiently buoyant to float if dropped overboard. It shall be prominently marked and the predominant outside coloring of the case or container shall be orange or chrome yellow. The kit shall contain the following articles:

- 20 one-quarter grain syrettes of morphine.
- 48 one-half gram tablets of sulfadiazine in bottle.
- 10 Navy type, watertight packages containing 2½ grams of crystalline sulfanilamide.
- 4 ounces of approved oil cleansing solution in bottle having a screw cap.
- 5 four-ounce tubes of 5% sulfadiazine—tannic acid 10% jelly.
- 2 chemical heating pads of approved type.

There shall be included in each kit three printed copies of the following instructions:

*Directions for Giving Morphine*

1. Remove the transparent shield from end of syrette.

2. Holding wire by the loop, push wire through the needle into the syrette, thus breaking the seal. Withdraw the wire.

3. Stick the needle under the skin of the arm or shoulder at an angle of 45 degrees and squeeze syrette until tube is flat.

4. Withdraw the needle and throw the syrette away.

5. After the first dose additional injections may be given every three hours as long as necessary. First dose may be doubled if man is badly injured.

*Directions for Using Sulfadiazine Tablets*

Each wounded or burned man should be given a single dose of eight of the Sulfadiazine tablets. *No more sulfadiazine should be given.*

*Directions for Sulfanilamide Powder*

Open one of the packages of Sulfanilamide and sprinkle the powder directly into the wound after which a compress and bandage may be applied. Sulfanilamide is a powerful and effective antiseptic and if properly used will arrest and prevent infection which might otherwise prove fatal.

*Directions For Using Oil Cleaning Solution*

The solution is supplied for the purpose of removing fuel oil or like substance from the eyelids, nose and lips. A pledget of cotton or a small piece of cloth dipped in the solution should be saturated and lightly rubbed over the skin surface until the oil is removed. To allay or prevent infection or irritation of the eyes from fuel oil, the eye ointment provided in the first-aid kit should be used.

*Directions For Using Tannic Acid Jelly*

Apply thick layer of jelly to gauze compress of sufficient size (obtained from first-aid kit) to completely cover the burned area. Lay this dressing on the burn and hold in place with a bandage loosely tied. On small burns the jelly may be used without a dressing, if desired. If, when it is necessary to change dressing there is a tendency to stick, soak the compress in fresh or sea water to loosen it and prevent injury to the area.

*Directions For Using Chemical Heating Pads*

Chemical heating pads are furnished for the purpose of supplying heat to the bodies of persons suffering from shock. Shock is a disturbance of the nervous and circulatory system which follows injury. The shock in itself may be more severe than the injury. Treatment of the shock is most important and the patient must, in all cases, be kept warm. A chemical heating pad should be utilized to apply heat locally to the abdomen and groin. Care should be taken not to burn the skin, especially of an unconscious person. The pad should be wrapped, if necessary, in cloths or clothing. For details of heating pad operation see directions on heating pad.

Abandon ship kits shall be stowed in separate locations as designated by the Master who shall instruct officers in charge of boats regarding understood arrangements as to securing a kit, should it become necessary to abandon the vessel.

Section 153.15a, reading as follows, is added to Part 153:

§ 153.15a *Lifeboat fenders.* All ocean and coastwise vessels of 1,000 gross tons and over shall have fitted over projections and openings in way of the lifeboats, between the boat deck and the light load line, substantial vertical skids constructed of wood or other suitable material to insure the unobstructed passage to the water of the lifeboats when lowered from the high side of the vessel when heavily listed.

Lifeboats on all ocean and coastwise vessels which are fitted with mechanical means for lowering are to be equipped with approved vertical fenders or skates on the inboard side extending from the gunwale well under the turn of the bilge, to facilitate launching on the high side of a listed vessel. Such fenders are to be sufficient in number to prevent damage to the boats while being lowered. Fenders or skates are to be designed so as to be light in weight and shall be so fitted as to be easily detached after the lifeboat is afloat. If wooden fenders are fitted, they shall be made of the best grade of oak or equivalent hard wood. Spaces in way of open decks below stowage positions of lifeboats into which boats might swing are to be fitted with strong horizontal bars between deck stanchions outboard in order that the boat may descend smoothly on the fenders or skates to the water.

Section 153.19a, reading as follows, is added to Part 153:

§ 153.19a *Luminous marking.* All ocean and coastwise cargo and tank ships of 3,000 gross tons and over and all ocean and coastwise passenger vessels shall be provided with interior marking in the accommodation, machinery and working spaces of the vessel in the form of an approved luminous cloth or tape. Such marking shall be sufficient in character to clearly show in darkness the location of exit doors, ports, ladders, companionways, the location of emergency lights, control valves, if necessary, and similar vital locations or accessories.

Section 153.23 is amended to read as follows:

§ 153.23 *Emergency radio installation.* There shall be available and readily accessible (other than in a lifeboat) on board mechanically propelled ocean and coastwise vessels of over 1,000 gross tons for use in lifeboats at least one portable radio installation which complies with the requirements of the Federal Communications Commission or in lieu thereof there shall be located in at least one lifeboat on each side of the vessel at all times while at sea a radio installation (in portable form or permanently in-

stalled) which complies with the requirements of the Federal Communications Commission for this purpose.

R. R. WAESCHE,  
Commandant.

SEPTEMBER 21, 1942.

[F. R. Doc. 42-9451; Filed, September 25, 1942;  
11:04 a. m.]

#### Chapter IV—War Shipping Administration

[General Order No. 22]

##### PART 310—MERCHANT MARINE TRAINING

##### REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

The War Shipping Administration pursuant to authority conferred upon it by the Merchant Marine Act, 1936, as amended, Title 34 U. S. Code, sections 1121, 1122, 1123 and 1123 a-e inclusive, Executive Order 9054 dated February 7, 1942, Executive Order No. 9083 dated March 2, 1942, and Executive Order 9198 dated July 11, 1942, hereby prescribes and adopts as necessary and appropriate to maintain a trained and efficient merchant marine personnel the following regulations for State Maritime Academies:

Sec.	Definitions.
310.1	Definitions.
310.2	Training vessels.
310.3	State Maritime Academies.
310.4	Training facilities.
310.5	Shore base.
310.6	Entrance requirements.
310.7	Pay and subsistence.
310.8	Uniform allowance.
310.9	Commanding officer, superintendent and staff of inspectors.
310.10	Members of the crew.
310.11	Curriculum.
310.12	Miscellaneous regulations.

AUTHORITY: §§ 310.1 to 310.12, inclusive, issued under 36 Stat. 1353, 55 Stat. 607; 34 U.S.C. 1121-1123; 34 U.S.C. Sup. 1123a-1123e; E.O. 9054, 9083, 9198; 7 F.R. 837, 1609, 5383.

§ 310.1 *Definitions.* As used herein, the following definitions shall apply:

(a) "W.S.A." shall mean the War Shipping Administration.

(b) "Administrator" shall mean the Administrator, War Shipping Administration.

(c) "Division of Training" shall mean the Division of Training, War Shipping Administration.

(d) "Director" shall mean the Director, Division of Training, War Shipping Administration.

(e) "Superintendent" and "commanding officer" shall mean one and the same person, providing he fills both capacities; otherwise the word "superintendent" shall mean the superintendent of the state maritime academy and the "commanding officer" shall mean the commanding officer of the training ship.

(f) "Officers" shall mean all officers and instructors connected with the state maritime academy or the training ship, except part-time civilian instructors.

(g) "Maritime Service" shall mean the U. S. Maritime Service.

(h) "Supervisor" shall mean the supervisor of the State Maritime Academies of the Division of Training, War Shipping Administration.

§ 310.2 *Training vessels.* (a) The W.S.A. will loan a training vessel, if available, or provide cruising facilities, and during each fiscal year will, if funds therefor are appropriated by the Congress, grant to each of the five existing state maritime academies and such others as may be approved by the W.S.A., providing such maritime academies comply with the regulations and minimum standards prescribed by the W.S.A., federal aid equal to the annual appropriation to each of such academies by their respective states, not in excess of \$25,000 per annum. Additional annual federal aid, when equalled by state appropriations, may be supplemented to cover the per capita cost of students admitted on appointment by the W.S.A., not in excess of a total of \$25,000 per annum.

(b) In pursuance of Public Law 191, 77th Congress, Executive Order No. 9083 dated March 2, 1942, and Executive Order 9198 dated July 11, 1942, as a condition to receiving any portion of such monetary aid in excess of \$25,000 each fiscal year, the state shall under appropriate authority agree to admit students appointed by the W.S.A. from national competitive eligible lists upon such terms and in such numbers as the W.S.A. shall prescribe; *Provided*, That the total number of students selected by the W.S.A. shall not exceed  $\frac{1}{2}$  of the student capacity of any such school. The per capita cost of students designated by the W.S.A. for admission to such schools shall be paid from federal funds appropriated for that purpose. Such cadets shall be subject to all of the rules and regulations of the maritime academy to which they are appointed.

(c) The federal grant of \$25,000 to \$50,000 per year shall be spent in the operation of the training ship and the maintenance and operation of the shore base. The state shall appropriate and spend at least an amount equal to that received from the federal government each year for the same purpose.

(d) The state shall sign a formal receipt for the loan of the training ship and submit same with a statement, under appropriate authority, that it will comply with the regulations and minimum standards prescribed and issued by the W.S.A., as the same are or may be amended from time to time.

##### § 310.3 *State Maritime Academies.*

(a) The state maritime academies shall be under the jurisdiction of the Board of Education, or other state department, bureau, or agency, and it is recommended that a Board of Visitors shall be appointed, composed of at least eight members and shall include, if practicable, the following:

- One from the shipping industry;
- One from the shipbuilding or ship repair industry;
- One Merchant Marine master mariner, possessing active license;
- One Merchant Marine chief engineer, possessing active license;

One from the alumni of the Academy;  
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the academy is located;

One from the State Board of Education, or other state department, bureau, or agency;  
One representative of the W.S.A. designated by the Director.

(b) The Board of Visitors shall act in an advisory capacity only and shall meet at least once a year.

(c) The names of the state maritime academies operating training ships on loan from the W.S.A. shall, as soon as practicable, be as follows:

New York State Maritime Academy.  
Pennsylvania Maritime Academy.  
Massachusetts Maritime Academy.  
Maine Maritime Academy.  
California Maritime Academy.

(d) Cadets of the state maritime academies shall first qualify as midshipmen in the Merchant Marine Reserve, United States Naval Reserve. When appointed, they shall wear such Naval Reserve insignia as is prescribed by the Secretary of the Navy.

(e) Cadets enrolled in the U. S. Maritime Service will hereafter be eligible for the benefits provided under Federal Compensation Act of September 7, 1916 (39 Stat. 742), as amended. (See § 310.7 (e).) In no event shall the W.S.A. be liable for any damage to any of the ship's personnel or trainees due to accident, illness, or death.

§ 310.4 *Training facilities.* (a) A condition survey will be made of the vessel after due notice, whenever considered advisable by the Director.

(b) The W.S.A. property on board the training ship shall not be permanently removed from the ship to shore base without written approval of the Director.

(c) The state shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training ship on loan to the state, provided the same or their substantial equivalent shall be returned to the W.S.A., ordinary wear and tear, unavoidable accident, and/or perils of the sea excepted, and any such items lost, destroyed, or consumed in service shall be replaced at the expense of the state, if so requested by the W.S.A.

(d) The state shall pay for all consumable stores, expendable equipment (except vessel's sails for propulsion), and fuel, in accordance with the existing law.

(e) The W.S.A. shall take inventories of state and federal property on board the vessel and at the shore base at such times as it deems necessary after consultation with academy authorities. A representative of the state shall be present when such inventories are being taken. The commanding officer of the training ship or the superintendent of the academy shall furnish such assistance as is requested from the academy's personnel.

(f) The state shall, at its own expense, man, operate, victual, fuel, and supply the vessel loaned to it and shall pay all port charges, pilotage, and other operation expenses, and all other costs and

expenses incidental to the operation of the vessel and the maintenance and operation of the shore base, other than those items which are deemed by the W.S.A. to be properly chargeable to appropriated repair funds.

(g) The state shall operate the academy and training ship in the most efficient manner and shall exercise due diligence to safeguard the interests of the W.S.A. and avoid loss and damage of every nature. Log books and reports shall be submitted, as directed, to the Director.

(h) The Director shall determine whether the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the training ship is not on a practice cruise, the commanding officer shall keep the supervisor informed relative to the location of the vessel and of any contemplated change of the location of her berth. While on a practice cruise, the supervisor shall be advised by dispatch of the date of arrival at each port visited. The date of departure shall also be reported if at variance with the approved itinerary. The cruise itinerary of the training ship shall be submitted to the supervisor at least sixty days in advance of the date a cruise is scheduled to begin. At the time of submitting the itinerary, the commanding officer shall request the supervisor to arrange with the Department of State for permission to visit the foreign ports listed on the proposed itinerary. Permission for the training ship to visit U. S. Naval Stations or Naval Bases shall be arranged by the commanding officer of the vessel.

(i) The following notice shall be posted in a conspicuous place, on board the training ship, and it shall remain in such place while the training ship is on loan to the state:

This training ship is the property of the United States of America. It is loaned to the State of \_\_\_\_\_ by the United States War Shipping Administration for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the state, the commanding officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel any lien whatever.

(j) The training ship shall be fumigated, at the expense of the state, at least twice a year, if required by the Director. A copy of the fumigation certificate shall be forwarded to the supervisor.

(k) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the commanding officer to the supervisor at least thirty days before the date that it is expected to commence the annual overhaul. The Division of Training shall determine which items of repair will be accomplished.

(l) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be done by the trainees under the supervision of ship's officers. When material is needed or has been ordered by the state, the com-

manding officer of the training ship shall forward to the supervisor a list of material and estimated costs, and a description of the repairs to be carried out by the trainees. The supervisor will promptly advise the commanding officer whether or not such work comes under the heading of repairs. If approved as under the heading of repairs, the state will be reimbursed by the W.S.A. after submission of voucher and statement relative to completion of the repair job. In the event repairs are necessary in foreign ports, the superintendent or commanding officer is authorized to make repairs, at the expense of the state, not exceeding \$500 and submit vouchers for reimbursement upon the termination of the cruise. If repairs amount to more than \$500, authority must be obtained from the Director by dispatch.

(m) The commanding officer shall promptly advise the supervisor when it is anticipated or it is determined that major spare parts will be or are required.

(n) The state shall, at its own expense, keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Director; with the exception of such items approved by the Director as falling under the heading of repairs.

(o) No structural changes shall be made to the training ship, her machinery or boilers without securing the written approval of the W.S.A.

(p) The supervisor shall be promptly notified, sufficiently in advance to enable its representative to be present, except in an emergency, when it is necessary to repair or dry dock the training ship because of damage or other reason, except for annual overhaul.

(q) Complete and detailed reports shall be promptly forwarded to the supervisor in case of accident causing damage to the training ship, her equipment or machinery, or damage by the ship to any other ship or property.

(r) The loan of the training ship to the state may be terminated in the event she is not operated to the satisfaction of the Director, after due notice to state authorities and their failure to remedy conditions complained of.

(s) The W.S.A. may substitute another vessel for the present training ship.

(t) The W.S.A. also may terminate the loan of the training ship to the state in the event said vessel is required for other training. The W.S.A. will, however, return the vessel or provide another to the state for its training cruises when available.

(u) Upon the termination of the loan of the training ship to the state, the state shall turn over to the W.S.A. in the state base port, at such times as the Director may direct, the vessel and all property whatsoever owned by the W.S.A., plus replacements and renewals made by the state. Upon delivery of the vessel a condition survey will be made by the W.S.A. to determine her then physical condition.

§ 310.5 *Shore base.* (a) The state maritime academies shall maintain berthing, messing, and classroom instruction facilities ashore for at least 200 cadets.

(b) The maximum number of cadets that state maritime academies may enroll shall be determined by the Director.

(c) In determining the per capita cost the W.S.A. shall pay for each cadet it has appointed, the total number of state cadets shall be divided into the total cost to the state. The \$25,000 annual grant to the state shall be deducted from the total cost to arrive at the cost to the state. The per capita cost shall be established annually on an equitable basis.

(d) The W.S.A., in addition to paying the per capita cost for cadets it appoints, shall also pay for the uniforms and textbooks of such cadets. Other costs to cadets appointed by the W.S.A. shall be borne by such cadets.

(e) Rules and regulations for the internal organization of the state maritime academies and training ships shall be recommended by the superintendent of the academy with the approval of the proper state authority and the Director.

§ 310.6 *Entrance requirements.* (a) A candidate for entrance to a state maritime academy must be a male citizen of the United States. He must also make application for midshipman, Merchant Marine Reserve, U. S. Naval Reserve, and be commissioned as such.

(b) Cadets, upon enrollment, shall be required to take an oath or affirmation of allegiance to the United States of America and submit to finger printing as prescribed by the Director. Copies of the oath or affirmation of allegiance and finger prints shall be furnished to the Director.

(c) He must be not less than 17 years and 8 months of age and shall not have reached his 23rd birthday on the date of entrance; provided that, within this range, each state may fix its upper age limit for cadets appointed by the state.

(d) He must be unmarried, and in the event it is subsequently determined that he was married at the time of admission to the academy, or if he marries while at the academy, he shall be dismissed.

(e) Candidates shall be physically sound, of robust constitution, and must be of good moral character. The physical requirements for entrance shall be the same as the United States Navy requires for appointment as midshipmen, Merchant Marine Reserve. The final physical examination shall be conducted by a medical officer of the United States Navy or Naval Reserve.

(f) Scholastic tests for appointment as cadet are waived for the duration of the emergency.

(g) A candidate for appointment as cadet (deck) or cadet (engineer) during the emergency must possess a minimum of 12 units from accredited schools. One unit is the value assigned to a course which has been studied in classroom for at least 120 sixty minute hours of a school year. Lists of subjects and their corresponding values in units, which must be submitted, are as follows:



*Required group (5 units)*

- 3 units in English.  
 1 unit in mathematics from any of the following:  
 Algebra.  
 Plane geometry.  
 Intermediate algebra.  
 Solid geometry.  
 Advanced algebra.  
 Plane trigonometry.  
 Spherical trigonometry.  
 Calculus.  
 Shop mathematics (for midshipman engineers only).  
 1 unit in science from any of the following groups:  
 Physics.  
 Chemistry.  
 General science.  
 Biology.  
 Mechanic arts subjects.  
 Vocational and workshop subjects (for midshipman engineers only).

*Elective group (7 units)*

The remaining 7 units may be supplied from any other subjects completed in accredited schools.

(h) If a candidate has an excess of units in any subject in the required group, such excess units may be credited to the elective group.

(i) A candidate may be given credit for studies being undertaken at school, provided the principal of the school submits a statement that, in his opinion, the candidate will complete subject or subjects with a satisfactory grade at the end of the term. However, such candidate will not be assigned until after successful completion of such work.

§ 310.7 *Pay and subsistence.* (a) Cadets will be enrolled in the U. S. Maritime Service during the present emergency and, while so enrolled, will be entitled to pay at the rate of \$65 per month from the date of enrollment, after July 1, 1942.

(b) A subsistence allowance of \$.75 per day for each cadet actually enrolled during each month will be paid directly to the academy concerned, upon presentation of a statement to the Maritime Service. Such statement shall be prepared and submitted at the end of each month and should contain the names of cadets for whom subsistence has been furnished during that month: *Provided*, That, when cruising aboard a Maritime Service training ship, no subsistence allowance will be paid. In such status, cadets will be subsisted directly by the Maritime Service.

(c) Hereafter, no state academy will charge a cadet any fee for tuition, subsistence or maintenance.

(d) A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analogous data shall be kept by each academy. A copy of these daily logs shall be furnished the supervisor, State Maritime Academies, Division of Training, W. S. A., Washington, D. C., at the end of each month.

(e) No cadet will be paid or subsisted when absent without leave, or during any period of hospitalization. Cadets shall be entitled to free medical attention and free Public Health Service hospitalization when deemed necessary by

an Officer of the Public Health Service. Compensation claims for personal injuries sustained in performance of duty may be filed with the U. S. Employees' Compensation Commission, Washington, D. C.

§ 310.8 *Uniform allowance.* (a) Cadets shall be entitled to a total uniform allowance of \$75, payable on the first of the month following the acceptance and oath of office as cadet in the particular academy. Such allowance is to be paid by the Maritime Service in lieu of the clothing and equipment provisions of the Maritime Service Regulation.

§ 310.9 *Commanding officer, superintendent and staff of instructors.* (a) The superintendent of the state maritime academy and the commanding officer of the training ship shall be nominated by the state and approved by the Director on behalf of the W.S.A. after consultation with the Navy Department. They shall be either:

(a) A United States Naval officer active or retired, or

(b) A state maritime academy graduate with experience as the master or commanding officer of a vessel no less in size than the training ship, and shall be an officer of the United States Navy or Naval Reserve.

The transcript of service of the nominee, and such other documents as may be prescribed by the Director, for the superintendent and the commanding officer must be submitted to the Director for his approval before appointment by the state.

(b) If for any good and sufficient reason, following due investigation and hearing, the W.S.A. is dissatisfied with the superintendent or the commanding officer, it will request his discharge by the state.

(c) The superintendent or, in his absence, the commanding officer of the training ship shall be responsible for the training ship and all property of the federal government and the state aboard the training ship.

(d) The superintendent and the commanding officer of the training ship shall be bonded. They shall be responsible for financial matters pertaining to the academy and the training ship, and the amount of such bond shall be approved by the Director.

(e) The superintendent or, in his absence, the commanding officer of the training ship shall be responsible for the courses of instructions and the general system of training as approved by the Director.

(f) Proper records pertaining to the academy, its officers, instructors, cadets, crew, the training ship and shore base shall be maintained by each academy and shall be available to the Director upon request.

(g) The W. S. A. recommends the adoption of the pay scale and allowances for the officers and staff of each maritime academy, which are contained in the following sections, reserving the right, if within its legal authority, to require an established pay and allowance

scale at an appropriate time in the future.

(h) The pay and allowances of the superintendent, to be paid by the state, shall be not less than \$6,000 per annum. In the event two men hold the positions of superintendent and commanding officer, the pay of the commanding officer shall be not less than \$5,600. There shall be no cognizance taken of the retired pay or personal income received by the superintendent, commanding officer, or any other member of the instruction staff.

(i) In the absence of the commanding officer, the next senior deck officer shall be in command of the training ship.

(j) All officers of the training ship and the instruction staff shall possess active Merchant Marine licenses. Radio operators and instructors shall possess active licenses issued by the Federal Communications Commission. In addition, all such officers and instructors, except those in service on the date of these regulations, must have served at least three years in a licensed capacity on board merchant vessels of not less than 2,000 gross tons. The following shall be exempt from the above requirements:

(1) Officers of the United States Navy or Naval Reserve, active or retired.

(2) Civilian instructors in other than marine subjects, etc., who do not make cruises.

(3) The medical officer.

(4) The paymaster or supply officer.

(k) Officer-instructors shall be appointed by the state after the approval of the Director. Their transcript of service and such other documents prescribed by the W.S.A. shall be submitted to the Director for approval. The Director is authorized to approve temporary appointments pending investigation of transcripts of service, and the state is authorized to make emergency appointments.

(l) Officers and instructors shall be appointed for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including the ability to deal with young men without friction.

(m) All officer-instructors, except those for temporary emergency service and civilian part-time instructors not on cruise, must be commissioned officers in the United States Navy or Naval Reserve, and except those in service on October 24, 1941, who are not acceptable to the United States Navy because of age or lack of physical qualifications, and others listed in VIII-10.

(n) The chief engineer of the training ship shall be appointed by the state with the approval of the Director. He shall possess an active unlimited license as chief engineer, or in lieu thereof be an experienced engineer officer of the United States Navy or Naval Reserve.

(o) The chief engineer must have had at least ten years licensed officer experience in the Merchant Marine and/or a state maritime academy training ship, unless he is an officer of the United States Navy or Naval Reserve, with adequate experience.

(p) The minimum pay and allowance for officers and instructors other than civilian part-time instructors, effective January 1, 1942, shall be as follows:

Executive officer.....	\$5,016
Navigation officer.....	4,152
Watch officer (senior).....	3,984
Watch officer (junior).....	3,404
Engineer officer.....	5,016
First asst. engineer officer.....	4,152
Second asst. engineer officer.....	3,984
Third asst. engineer officer.....	3,404
Paymaster <sup>1</sup> .....	3,984
Medical officer <sup>1</sup> .....	3,984
Communications officer.....	3,404
Machinists.....	3,504
Boatswains.....	3,504
C. P. O.'s.....	2,385

<sup>1</sup> If under 35 years of age, the minimum pay shall be as that of U. S. Navy Lieutenant (jg), 1st pay grade, \$3,404.

NOTE: The above pay scale is based on dependents. If there are no dependents, it will be reduced according to the Navy pay scale.

(q) Minimum increases of 4% shall be granted at the end of each three years of service with the academy.

(r) Deductions may be made as per U. S. Naval Reserve (active duty) pay and allowance tables in event quarters are owned by the state and furnished to officers and instructors and their dependents.

(s) Officers and instructors may be required by the state to pay wardroom mess for subsistence and laundry service. Wardroom and galley equipment shall not be charged to the accounts of officers and instructors.

(t) The Director shall set the minimum number of officers for the training ships and instructors, except for part-time instructors, for the state maritime academies.

(u) All paid personnel attached to the state maritime academies or training ships, except part-time civilian instructors, shall be eligible to participate in the state retirement plan, with the same deductions from pay and in the same ratio as other state employees, if compatible with state law.

**§ 310.10 Members of the crew.** (a) Members of the crew of the training ships shall be citizens of the United States in accordance with the requirements of the United States Navy for citizenship, except during an emergency.

(b) They shall be required to take an oath of allegiance or affirmation to the United States of America and submit to finger printing as prescribed by the Director.

(c) They shall be members of the United States Navy or Naval Reserve, active or retired, if practicable, except during an emergency, and except those in service on the date these regulations are approved. Waivers may be granted by the Director.

(d) The minimum number of the crew shall be set by the Director.

**§ 310.11 Curriculum.** (a) The curriculum shall be such as the Director, with the approval of the Administrator, shall designate in instructions.

### § 310.12 Miscellaneous regulations.

(a) The superintendent, commanding officer, officers, instructors (other than part-time civilian instructors), and members of the crew shall be entitled to free medical attention at the expense of the state. The superintendent, commanding officer, officers, and instructors (other than part-time instructors) shall also receive full pay and allowance during periods of illness or injury and if taken ill and left in other than the home port, suitable transportation shall be paid to the home port, unless contrary to state law.

(b) During the emergency, no leave for more than 7 consecutive days shall be granted to officers and instructors. The maximum leave with pay in a year for officers and instructors shall be 14 days.

(c) A medical officer shall be attached to the state maritime academies at all times when any cadets are present and on board the training ships when at shipyard and on cruise. The dependents of the superintendent, officers, and instructors (other than part-time instructors) shall be entitled to free medical attention while a medical officer is attached to the academy, if living within a four mile radius of the academy, and permitted by state law.

(d) The uniform insignia for superintendents and commanding officers (except regular Navy or Naval Reserve officers, active or retired), officers, instructors (other than part-time civilian instructors), and cadets, shall be the same as prescribed for instructors and midshipmen of the U. S. Merchant Marine Cadet Corps, except that such insignia shall have the seal or shield of the state.

(e) All officers of the training ship and instructors holding commissions in the United States Naval Reserve and in inactive status, shall wear Merchant Marine Reserve insignia prescribed by the Secretary of the Navy.

(f) During such periods as retired or reserve officers at the academies are in active duty status they shall wear the uniform of their respective ranks. Non-Naval Reserve or retired Navy officers, not on active duty, shall wear such uniform insignia as may be designated by the superintendent.

(g) Communications from the state maritime academies to other executive or administrative government agencies concerning the policies of the W.S.A. shall be forwarded through the supervisor. Communications in regard to Naval administration shall be forwarded through official Naval channels.

(h) The Director is authorized to issue instructions supplementing these regulations. These regulations shall become effective as of July 11, 1942, and shall supersede all previous regulations for State Maritime Academies.

[SEAL]

E. S. LAND,  
Administrator.

SEPTEMBER 23, 1942.

[F. R. Doc. 42-9489; Filed, September 24, 1942;  
11:46 a. m.]

## PART 310—MERCHANT MARINE TRAINING [General Order 23]

### REGULATIONS FOR THE GOVERNMENT OF THE UNITED STATES MARITIME SERVICE

The War Shipping Administration, pursuant to authority conferred upon it by the Merchant Marine Act, 1936, as amended, Executive Order 9054 dated February 7, 1942, Executive Order 9083 dated February 28, 1942 and Executive Order 9198 dated July 11, 1942, hereby prescribes and adopts as necessary and appropriate to maintain a trained and efficient merchant marine personnel the following regulations for the government of the United States Maritime Service:

#### ORGANIZATION AND ADMINISTRATION

Sec.	Definitions.
310.13	General provisions.
310.14	Enrollment and training.
310.15	Maintenance of the Service.
310.16	Administration.
310.17	Ranks, grades and ratings.
310.18	Forms.
310.19	Authority of Commandant.
310.20	Instructions of Commandant.
310.21	Allotments and expenditures.
310.22	Investigations.
310.23	Medical treatment.
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#### ENROLLMENT AND DUTY

310.25	Voluntary enrollment; numbers.
310.26	Qualifications.
310.27	Enrollment; original and regular.
310.28	Duty; active and inactive.
310.29	Disenrollment; voluntary and involuntary.

#### PAY AND SUPPLY

310.30	Rates of pay.
310.31	Computation of pay.
310.32	Allowances and increases.
310.33	Active duty.
310.34	Pay period.
310.35	Transportation and travel.
310.36	Clothing and equipment.
310.37	Subsistence.
310.38	Loss or damage.
310.39	Death of enrollees.

#### TRAINING STATIONS AND SHIPS

310.40	Assignments.
310.41	Stations and ships.
310.42	Maintenance and supply.
310.43	Canteens.
310.44	Courses of training.
310.45	Effective date of regulations.

AUTHORITY: §§ 310.13 to 310.45, inclusive issued under 36 Stat. 1353, 55 Stat. 607; 34 U.S.C. 1121-1123, 34 U.S.C. Sup. 1123a-1123e; E.O. 9054, 9083, 9198; 7 F.R. 837, 1009, 5383.

#### ORGANIZATION AND ADMINISTRATION

**§ 310.13 Definitions.** When used in these regulations:

(a) "WSA" means War Shipping Administration.

(b) "Administrator" means Administrator, War Shipping Administration.

(c) "The Service" or "Maritime Service" means the United States Maritime Service.

(d) "Director" means Director, Division of Training, War Shipping Administration.

(e) "Commandant" means Commandant of the Maritime Service.

(f) "Maritime Service personnel" includes all persons employed in the Maritime Service.

(g) "Enrollees" means persons enrolled in the Maritime Service.

(h) "Merchant vessels of the United States" means ocean-going or Great Lakes vessels of 500 gross tons or over documented under the laws of the United States and engaged in the foreign or domestic commerce of the United States.

(i) "Administrative duties" includes those duties performed by an Instructor in the Service.

§ 310.14 *General provisions.* The number of persons to be enrolled in the Service, the rates of pay of such persons, and courses and periods of training shall be determined, fixed, and prescribed by the WSA in such manner and form as may appear to it to be necessary to maintain a trained and efficient merchant-marine personnel. The ranks, grades, and ratings for the personnel of the Service shall be the same as are now or hereafter prescribed for the personnel of the Coast Guard.

§ 310.15 *Enrollment and training.* Enrollment and training in the Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States Merchant Marine who comply with the requirements prescribed by these regulations and to American citizens who desire to train for service in the American Merchant Marine who qualify for training under these regulations. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or non-membership in any organization. Eligibility for enrollment shall be determined by the Commandant in accordance with these rules and regulations.

§ 310.16 *Maintenance of the Service.* The Service shall be maintained at the expense of the WSA, which shall exercise such supervision over it, through the Commandant, as may be necessary to comply with law and the rules and regulations now or hereafter prescribed by the WSA.

§ 310.17 *Administration.* The Maritime Service shall be administered by the Commandant, who shall have full control over the administration of the functions delegated to him by the rules and regulations prescribed by the WSA. All policies affecting the Service shall be determined by the Director, after consultation with the Administrator or his authorized deputy.

§ 310.18 *Ranks, grades, and ratings.* The ranks, grades, and ratings for the personnel of the Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

§ 310.19 *Forms.* The Commandant shall prescribe, subject to the approval of the Director, forms for application for enrollment, disenrollment (voluntary and involuntary), release from active duty, assignments of ranks, grades, and ratings, pay and supply of personnel,

maintenance and supply of stations and vessels, requests and authorizations for travel, fiscal management and accounts, and all other necessary forms for the administration of the Service.

§ 310.20 *Authority of Commandant.* In compliance with existing federal statutes and applicable government regulations, subject to the regulations prescribed by the WSA, and with the approval of the Director, the Commandant is authorized:

(a) To direct and control the employees and enrollees of the Service, and to prescribe instructions regulating annual and sick leave.

(b) To employ, for the Service, on the account of the WSA, such civil employees as may be necessary for the conduct and maintenance of the Service.

(c) To enroll, disenroll, assign to active or inactive duty, and release from active duty the enrollees of the Service.

(d) To regulate the ranks, grades, and ratings of enrollees of the Service.

(e) To direct and conduct the prescribed courses of training.

(f) To provide for the maintenance of discipline and order.

(g) To administer the fiscal management of the Service.

(h) To direct the use and preservation of training stations, training ships, clothing, equipment, and supplies of the Service.

(i) To authorize the procurement of provisions, clothing, materials, equipment, and services for the operation of the Service.

(j) To dispose, by survey, for the account of the WSA, of such materials, clothing, equipment, and supplies as shall be found to be no longer serviceable.

(k) To authorize and direct necessary travel in behalf of and on the account of the Service.

(l) To delegate such authority as is necessary to subordinate personnel of the Service.

§ 310.21 *Instructions of Commandant.* The Commandant is authorized, with the approval of the Director, to issue directions, instructions, and memoranda, consistent with these regulations, for the proper administration of the Service.

§ 310.22 *Allotments and expenditures.* (a) Expenditures and obligations for the Service shall be limited to the allotment of funds by the WSA to the Service and to appropriations authorized by the Congress of the United States.

(b) Expenditure of funds may be authorized by the Commandant, with the approval of the Director, as required for the proper administration of the Service, including pay of personnel, purchases of equipment, provisions, and supplies, expenses of medical examination, medical treatment and hospitalization, communication and travel expense, and such other expenses of an administrative or ministerial nature as may be necessary for the efficient maintenance of the Service.

(c) The Director shall report to the WSA concerning all accounts and other

financial matters of the Service in such manner and form as the WSA shall prescribe.

§ 310.23 *Investigations.* (a) The Commandant is authorized to convene boards consisting of United States Navy, Maritime Service, and Public Health Service personnel to investigate accidents to Maritime Service personnel, damage to Maritime Service property, and any other matters or incidents which in his opinion require investigation.

(b) The Commandant is authorized to promulgate instructions, consistent with law, for the confinement of Maritime Service personnel where such confinement is necessary for safe keeping.

(c) Enrollees charged with violating criminal statutes shall be delivered to the appropriate civil (Federal, state, or municipal) authorities.

§ 310.24 *Medical treatment.* Medical treatment, including all necessary examinations, of the Maritime Service personnel shall be obtained from the Public Health Service in so far as possible. When the Public Health Service facilities are not available, hospitalization and treatment of Maritime Service personnel in civilian hospitals or by civilian physicians are authorized and shall be provided at the expense of the Maritime Service.

#### ENROLLMENT AND DUTY

§ 310.25 *Voluntary enrollment; numbers.* (a) Enrollment in the Service shall be voluntary, and shall be open to American citizens in such numbers and grades as the Director shall prescribe.

§ 310.26 *Qualifications.* (a) No applicant shall be eligible for enrollment in the Service unless he is a citizen of the United States, with no physical, mental, or moral defect rendering him unfit for service at sea or for the duties to which assignment is contemplated.

(b) Cadets of the State Maritime Academies under Federal regulation may be enrolled in the Maritime Service on active duty, while actually attending one of the said Academies, and may be paid at the rate provided for Cadets in § 310.30 hereof.

§ 310.27 *Enrollment; original and regular.* (a) All original enrollments except as apprentice seaman shall be deemed probationary for a period not to exceed three months. The enrollment period for apprentice seamen shall be prescribed from time to time by the Director.

(b) The original enrollment of unlicensed personnel shall be in a rating not above seaman, second class, except those persons given officer rank for special administrative duties.

(c) Any enrollee may be advanced in rank or rating during his probationary enrollment, and such advancement may be made effective as of such date as may be determined.

(d) Regular enrollees may be advanced in rank or rating when found qualified by the Commandant.

(e) After the probationary period of enrollment an enrollee whose conduct

and qualifications are satisfactory shall be eligible for regular enrollment. Each original enrollment shall be for a period of three months on active duty, unless otherwise prescribed by the Commandant.

(f) Every enrollee shall, upon enrollment, take an appropriate oath or affirmation.

#### § 310.28 Duty; active and inactive.

(a) Duty status in the Service may be active or inactive.

(b) Every original enrollee shall be deemed to be on active duty immediately upon enrollment, and shall remain on active duty until released therefrom by proper authority.

(c) Regular enrollees may be assigned to inactive duty status subject to voluntary return to active duty at such intervals and for such periods as may be prescribed.

(d) Regular enrollees may be maintained on voluntary active duty for such periods as may be necessary for the proper administration of the Service.

(e) Enrollees on active duty may be assigned as instructors or as under instruction, or to perform other administrative duties.

§ 310.29 *Disenrollment; voluntary and involuntary.* (a) Any enrollee in the Service shall be disenrolled upon request, the disenrollment to be effective on the date of action on such request.

(b) Any enrollee may be disenrolled from the Service for cause, as follows:

(1) During the probationary period of original enrollment or while on active duty thereafter, for conduct or qualifications deemed unsatisfactory to the Service.

(2) For failure to serve 24 months in any period of 36 consecutive months on merchant vessels of the United States, provided that an enrollee shall be disenrolled for failure to serve 15 months in any such period of 36 months on merchant vessels of the United States. When computing any 36-month period under this subsection, active duty in the military or naval establishment of the United States, or on administrative duty with the Maritime Service, shall be excluded.

(3) For failure in such period of 36 consecutive months to serve the required period or periods on active duty in the Service.

(4) For physical or mental disability.

(5) For conduct such as to bring discredit upon the Service.

(c) Any person disenrolled for cause may, upon removal of the disability or upon other correction of the cause of disenrollment, be re-enrolled in the Service.

#### PAY AND SUPPLY

§ 310.30 *Rates of pay.* Licensed and unlicensed personnel of the Maritime Service shall receive the following monthly rates of pay while on active duty:

Vice admiral	\$708.33
Rear admiral (upper half)	666.66
Rear admiral (lower half)	500.00
Captain	333.33
Commander	291.67
Lieutenant commander	250.00
Lieutenant	200.00

Lieutenant (jg)	\$166.67
Ensign	150.00
Cadet <sup>1</sup>	65.00
Chief warrant officer	175.00
Warrant officer	150.00
First grade (chief petty officer with permanent appointment)	138.00
First grade (chief petty officer with acting appointment)	126.00
Second grade (petty officers, first class; officers' stewards, first class)	114.00
Third grade (petty officers, second class; officers' stewards, second class)	96.00
Fourth grade (petty officers, third class; firemen, first class; officers' stewards, third class)	78.00
Fifth grade (seamen, first class; firemen, second class; mess attendants, first class)	66.00
Sixth grade (seamen, second class; firemen, third class; mess attendants, second class)	54.00
Seventh grade (apprentice seaman)	50.00

<sup>1</sup> Applicable to cadets of State Maritime Academies under Federal regulation.

An enrollee below the grade of warrant officer shall receive additional pay not exceeding 40 per cent (40%) of the pay of his grade as above prescribed while detailed by the Commandant to administrative duty.

§ 310.31 *Computation of pay.* Pay shall be computed on the basis of 30 days per month. An enrollee shall be credited in the computation of his pay, or allowances, for each day, or fraction thereof, on which active duty is performed.

§ 310.32 *Allowances and increases.* In addition to the rates of pay prescribed for them, enrollees of the fifth, sixth and seventh pay grades, not in the steward's department, shall, when detailed as messmen, be entitled to additional pay at the rate of 6 per month.

§ 310.33 *Active duty.* The term "active duty" shall include all service while in training or performing duty under authorization of the Service, but shall not include absence from duty on leave, without leave or while under arrest nor while sick or in a hospital unless resultant from causes arising while on active duty and so certified by the medical officer and the superintendent or commanding officer, in which event an enrollee may receive his regular compensation less any sums paid by the United States Compensation Commission: *Provided, however,* That periods of absence on account of annual or sick leave granted with pay to regular enrollees detailed as instructors or for administrative duty shall be regarded for pay computation as active duty.

§ 310.34 *Pay periods.* (a) Enrollees shall be entitled to the pay of their respective ranks or rating while on active duty exclusive of time absent from duty as provided in the preceding section.

(b) Each regular enrollee who has served a minimum of eight months within each 12-month regular enrollment period (or 16 months in each regular enrollment period of 24 months, or 24 months in each regular enrollment period of 36 months) of his regular enrollment on merchant vessels of the United States and whose service on active duty in the Maritime Service complies with prescribed stand-

ards shall be entitled to one month's pay of his rank or rating in the Maritime Service for each such 12-month period, such retainer pay to be in addition to his pay for active duty, and to become payable only upon the submission to the Commandant of satisfactory proof of the minimum service hereinabove required: *Provided,* That in any computation of regular enrollment periods or service for retainer pay purposes, all service on active duty in an administrative capacity with the Maritime Service or on active duty in the military or naval establishments of the United States shall be excluded.

#### § 310.35 Transportation and travel.

(a) Enrollees upon original enrollment shall, in lieu of any other travel allowance, be entitled to transportation, including sleeping car or stateroom accommodations from place of enrollment to a training station or training vessel.

(b) A probationary enrollee disenrolled before the completion of his probationary period, except at his request or for reasons within his control, may be furnished transportation including Pullman or sleeping car accommodations from the place of disenrollment to the place of enrollment. An enrollee disenrolled at his own request or for reasons within his control before the completion of his probationary period shall not be entitled to a travel allowance or to transportation in kind.

(c) Upon release from active duty a regular enrollee shall be entitled, in lieu of any other travel expense, to a travel allowance of 5 cents per mile from place of release from active duty to place of latest acceptance for active duty except as provided in paragraph (f) of this section.

(d) The Commandant shall prescribe the travel allowances and transportation in kind for probationary enrollees originally enrolled as apprentice seamen in connection with their original enrollment, release from active duty, or disenrollment, and shall have authority to transport them to such place or places as may be determined to be for the interest of the Government, under such instructions as he may prescribe.

(e) Officers, chief warrant officers, warrant officers, chief petty officers, and petty officers, first class of the Service on administrative duty, when performing travel under competent authority, shall be entitled to the same travel allowances prescribed for officers, chief warrant officers, warrant officers, chief petty officers, and petty officers, first class of the Navy.

(f) Other enrollees of the Service on administrative duty when performing travel under competent authority, shall be entitled to the same travel allowances prescribed for civilian employees by the standardized Government travel regulations.

#### § 310.36 Clothing and equipment.

(a) Officers and warrant officers of the Service, on active administrative duty where uniforms are required to be worn, shall be entitled to a cash allowance for uniforms in the amount of \$250, after having

served a satisfactory 3 month period of administrative duty, and provided they agree in writing to serve at least one year, and certify that they have the required uniforms and insignia in their possession. The uniforms required shall be, in number and kind, the same as prescribed for officers of the Naval Reserve going on active duty, but Maritime Service insignia must be worn with all uniforms to distinguish them from Navy personnel. Deduction from this allowance shall be made for any articles of uniform that may be issued from Maritime Service supplies for emergency use when first enrolled. Such original issue shall not exceed \$65 in value and shall be returned unless 3 months service is satisfactorily completed.

(b) Enrollees below the rank of warrant officers of the Service shall be supplied, without charge, with such clothing and equipment as fixed by clothing bounties approved by the Director, and other government property may be loaned to such personnel. Cadets of the State Maritime Academies under Federal regulation, who are enrolled in the Maritime Service, may receive such clothing bounty as is fixed by the Director. Enrollees on active duty may purchase regulation uniforms and accessories, the cost thereof to be deducted from their pay.

§ 310.37 *Subsistence.* (a) Officers and warrant officers shall be entitled, while on active administrative duty, to the rental and subsistence allowances in the table below:

	With dependents		Without dependents	
	Rental allowance	Subsistence allowance	Rental allowance	Subsistence allowance
Vice admiral.....	\$120	\$42	\$105	\$21
Rear admiral (upper half).....	120	42	105	21
Rear admiral (lower half).....	120	42	105	21
Captain.....	120	42	105	21
Commander.....	120	63	105	21
Lieutenant commander.....	105	63	99	21
Lieutenant.....	90	42	75	21
Lieutenant (j. g.).....	75	42	69	21
Ensign.....	60	42	45	21
Chief warrant officer.....	75	42	69	21
Warrant officer.....	60	42	45	21

(b) Subsistence at government expense shall be supplied to all members of the Service while on active duty, except officers and warrant officers. General messes shall be established at training stations and on board training vessels as may be necessary. Such general messes shall be conducted in the manner provided in the Maritime Service Pay and Supply Instructions for general messes. A subsistence allowance at the rate of 75 cents per day while on active duty will be paid for each cadet enrolled at the State Maritime Academies under Federal regulation who is also enrolled in the Maritime Service. This subsistence allowance may be paid monthly to the State Maritime Academies for the number of cadets and for the number of days on which subsistence is actually furnished by the State Maritime Academies. While the State Maritime Academy cadets are cruising on a Maritime Service Vessel this subsistence allowance will not be paid, but subsistence will be furnished by the Maritime Service in kind.

(c) In lieu of subsistence in kind, an allowance of \$1 per day is authorized for each enrollee below the rank of warrant officer, not in travel status, for whom government mess facilities are not available.

(d) An allowance, not to exceed \$2 per day, is authorized for an enrollee below the rank of warrant officer, not in travel status, for whom government quarters are not provided.

§ 310.38 *Loss or damage.* There may be deducted from the pay of any member of the Service sums sufficient to cover the

value of any Government property lost or wilfully damaged by such person.

§ 310.39 *Death of enrollees.* The Commandant, subject to the provisions of existing and applicable laws, is authorized to incur expense in connection with the transportation and burial of the remains of enrollees who die while on active duty.

#### TRAINING STATIONS AND SHIPS

§ 310.40 *Assignments.* Enrollees in the Service on active duty may be assigned to a vessel, station, or other unit maintained by the Service, to units of the U. S. Merchant Marine Cadet Corps, and to such vessels, ship yards, plants, and industrial and educational organizations as the WSA may designate and under rules and regulations prescribed by the Director.

§ 310.41 *Stations and ships.* Only such training stations and training ships shall be maintained by and for the Service as are authorized by the WSA.

§ 310.42 *Maintenance and supply.* The maintenance and supply of authorized training stations and training ships shall be in accordance with existing Maritime Service Instructions.

§ 310.43 *Canteens.* Canteens for the sale of tobacco, candy, toilet articles and similar merchandise may be established and maintained at training stations and on training ships.

§ 310.44 *Courses of training.* The courses of training at stations and on

ships shall be appropriate to the duties performed aboard merchant vessels by enrollees under their licenses or certificates and shall include the following subjects: lifeboat instruction, including rowing; emergency drills, including fire and abandon ship; maritime law pertaining to seamen; hygiene and first aid; navigation; seamanship; signals; marine engineering; engine room and fire room routine; shop work and overhaul of machinery; care of staterooms, quarters and supplies; procurement, handling, and cooking of food; serving of food and care of tableware (mess gear); and instruction in special ratings, such as radio operators, electricians, and clerical workers.

§ 310.45 *Effective date of regulations.* These regulations shall become effective as of July 11, 1942, and any regulations previously issued which may be inconsistent herewith are hereby repealed.

[SEAL]

E. S. LAND,  
Administrator.

SEPTEMBER 23, 1942.

[F. R. Doc. 42-9491; Filed, September 24, 1942; 11:46 a. m.]

#### PART 310—MERCHANT MARINE TRAINING [General Order 24]

##### APPOINTMENT AND TRAINING OF CADETS IN MERCHANT MARINE CADET CORPS

Under authority of the Merchant Marine Act, 1936, as amended, Executive Order 9083, dated February 28, 1942, Executive Order 9054, dated February 7, 1942 and Executive Order 9198, dated July 11, 1942, the following revised regulations governing the appointment and training of cadets in the U. S. Merchant Marine Cadet Corps are prescribed and issued for the duration of the emergency proclaimed by the President on May 27, 1941.

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**AUTHORITY:** §§ 310.46 to 310.71, inclusive, issued under 36 Stat. 1353, 55 Stat. 607; 34 U.S.C. 1121-23, 34 U.S.C. Sup. 1123a-1123e; E.O. 9054, 9083, 9198; 7 FR. 837, 1609, 5383.

§ 310.46 *Definitions.* When used in these regulations, the term:

(a) "W.S.A." means War Shipping Administration.

(b) "Director" means Director of the Division of Training, W.S.A.

(c) "The Academy" means the United States Merchant Marine Academy.

(d) "Basic school" means United States Merchant Marine Cadet Basic School.

(e) "Supervisor" means supervisor of the United States Merchant Marine Cadet Corps.

(f) "District instructor" means District Merchant Marine Cadet Instructor.

(g) "Midshipman" means midshipman, Merchant Marine Reserve, United States Naval Reserve, an appointment awarded all cadets of the United States Merchant Marine Cadet Corps by the Secretary of the Navy and held concurrently with their appointment as cadet.

(h) "Cadet" means cadet, U. S. Merchant Marine Cadet Corps.

§ 310.47 *General requirements.* (a) A candidate must be a male citizen of the United States. If naturalized, a candidate must have been a citizen of the United States for ten years previous to the date of application.

(b) A candidate must be not less than 18 years of age nor more than 23 years of age on the date of application. If the candidate has not reached his eighteenth birthday or if he has reached his twenty-third birthday on or before that date, he will be ineligible for appointment.

(c) If under 21 years of age, he will be required to furnish the written consent of parent or guardian as a part of his application.

(d) A waiver for overage may be granted by the supervisor to those candidates who submit acceptable evidence of having completed studies in an accredited college or university, or who have been engaged in work directly connected with merchant shipping or of such nature that experience gained therein may be considered of direct benefit in the training of a Merchant Marine officer. An allowance of one year in age may be granted for each academic year completed successfully or for other work which the supervisor may consider equivalent. A maximum of your years' credit may be so allowed.

(e) A candidate may, at the discretion of the supervisor, be admitted to a basic school or the Academy for preliminary training at the age of 17 years, 10 months, but will not be assigned to a merchant vessel until he has reached his eighteenth birthday.

(f) A candidate must prove to the supervisor that he possesses good moral character.

(g) A candidate must present a certified transcript of his scholastic record.

(h) A candidate must be unmarried. Any cadet who marries before completion of training shall be requested to resign, and, failing to do so, shall be dismissed by the supervisor.

(i) No person is eligible for appointment as a cadet who has been dismissed or compelled to resign from a Federal Service Academy or a State Maritime Academy for improper conduct, or who has been dishonorably discharged for cause or has resigned with prejudice as a civil employee of the United States.

(j) No person who has resigned as a cadet will be reappointed unless his previous service record has been approved as satisfactory by the supervisor.

(k) If it should be determined at any time during a cadet's course of training that he has purposely falsified his application or supporting papers, he shall be dismissed.

(l) All applications must show and be signed with the full legal names of applicants. They must be accompanied by or include the following:

(1) Evidence of citizenship as shown below.

If native born:

(i) A duly verified copy of a public or church record of birth, or

(ii) The affidavit, under oath, of the physician, midwife, or other persons present at the birth.

(iii) In cases where neither (i) nor (ii) can be obtained by the candidate, the affidavit of either parent.

(iv) In cases where the candidate certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

If foreign born:

(v) Certificate of naturalization, under the seal of the court in which naturalized.

(vi) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of a parent whose certificate of naturalization is submitted.

(vii) In special cases where the candidate certifies that neither (v) nor (vi) is obtainable, the affidavits of two reputable citizens acquainted with him (see subdivision (iv), under native-born citizens). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the candidate shall later submit a proper certificate of naturalization.

**NOTE:** In the cases of naturalized citizens, the Navy Department requires a period of ten years' citizenship before it will approve an application for Midshipman, Merchant Marine Reserve, United States Naval Reserve.

§ 310.48 *Physical requirements.* (a) Appointments to cadetships in the U. S. Merchant Marine Cadet Corps are contingent upon qualifying physically for appointment as midshipman, MMR, USMR. The physical examination will be conducted by a Navy or Naval Reserve Medical Officer.

(b) A candidate must be of normal size, sound constitution, and free from physi-

cal defects or diseases, especially those of vision, color perception (plate tests), speech and hearing. He must not be less than 5 feet 6 inches and not more than 6 feet 4 inches in height. Candidates must have minimum vision of 18/20 in each eye correctable to 20/20.

(c) The application of a candidate must be signed by a physician who has examined the candidate and certified that, in his opinion, the candidate meets the physical standards set by the Navy for appointment as a midshipman of the Merchant Marine Reserve.

(d) A candidate for whom a waiver has been recommended will not receive an appointment as cadet and will not be assigned to a basic school or the Academy until the Navy Department has approved the waiver and the supervisor has been so informed. Candidates whose recommended waivers are not approved by the Navy Department will be so notified.

(e) Any defect or disease developed by a cadet during training, which would result in his discharge from the Merchant Marine Reserve, will be sufficient cause for the supervisor to terminate his training.

§ 310.49 *Scholastic requirements.* (a) The supervisor is authorized to prescribe and change at any time the scholastic requirements for appointment as cadet for the duration of the emergency.

(b) A candidate for appointment as cadet (deck) or cadet (engineer) during the emergency must possess a minimum of 12 units from accredited schools. Lists of subjects and their corresponding values in units, which must be submitted, are as follows:

#### *Required Group (5 Units)*

- 3 units in English.
- 1 unit in mathematics from any of the following:
  - Algebra.
  - Plane geometry.
  - Intermediate algebra.
  - Solid geometry.
  - Advanced algebra.
  - Plane trigonometry.
  - Spherical trigonometry.
  - Calculus.
  - Shop mathematics—for cadet (engineers) only.
- 1 unit in science from any of the following group:
  - Physics.
  - Chemistry.
  - General science.
  - Biology.
  - Mechanical arts subjects.
  - Vocational and workshop subjects—for cadet (engineers) only.

#### *Elective Group (7 Units)*

The remaining 7 units may be supplied from other subjects completed in accredited schools.

(c) If a candidate has an excess of units in any subject in the required group, such excess units may be credited to the elective group.

(d) The supervisor may reject any candidate whose grades in required or elective subjects create doubt as to his ability to pursue successfully the study courses prescribed for cadets.

§ 310.50 *Applications.* Application for appointment as cadet, fully completed,

together with all supporting papers, shall be submitted to the supervisor, United States Merchant Marine Cadet Corps, Division of Training, War Shipping Administration, Washington, D. C.

§ 310.51 *Certificates.* A candidate must submit the following:

(a) Certified transcript of the candidate's scholastic record forwarded from the registrar, or other official of the school, directly to the supervisor.

(b) Two certified copies of birth certificate, and if of foreign birth proof of citizenship, with application. In cases where birth certificates are not available, the proof of citizenship submitted must be of a nature acceptable to the Navy Department for establishing citizenship for appointment as a midshipman in the Merchant Marine Reserve. (See Appendix A<sup>1</sup> for acceptable proofs to the Navy.)

(c) One full face 2½" x 2½" photograph attached to application.

(d) Three letters from responsible American citizens, including, if possible, one of the candidate's secondary school teachers, attesting the moral character of the applicant.

NOTE: None of the above papers, with the exception of (b), will be returned to a candidate after review of his application. The two copies of birth certificates, or other proof of citizenship, will be promptly returned to the candidate and must be in his possession in duplicate when he reports to the district instructor.

§ 310.52 *Scholastic tests.* (a) Scholastic tests for appointment as cadet are waived for the duration of the emergency.

(b) Applications and supporting papers will be carefully examined by the supervisor, and if the candidate is acceptable, his application will be approved and notice sent him accordingly by the supervisor or the district instructor at New York, New Orleans, or San Francisco.

§ 310.53 *Required finances.* Cadets must provide themselves with a minimum of \$25 for spending money and incidentals during the period of preliminary training.

§ 310.54 *Eligibility lists.* (a) During the emergency the names of candidates will be placed on either deck or engineer eligibility lists in accordance with the date their applications and supporting papers are approved.

(b) The lists of eligible deck candidates and engineer candidates shall be divided into coastal areas by the supervisor and assignments will be made to the basic schools or the Academy as determined by the supervisor.

(c) In the event the eligible list for a coast becomes exhausted, the Supervisor may make assignments from other coastal lists.

(d) A candidate on the eligible list must advise the supervisor promptly when he ceases to be available for assignment and wishes his name removed from the list. Such candidate must inform the

supervisor in writing of the reasons for his withdrawal.

§ 310.55 *Appointments and assignments.* (a) A successful candidate, who has passed the Naval Reserve physical examination, shall be appointed a cadet by the supervisor and assigned by the district instructor to preliminary training and basic naval science classes at a designated basic school or the Academy.

(b) A basic school for preliminary training including naval science courses, and continuation of studies and practical work while awaiting reassignment, shall be maintained by the War Shipping Administration one each on the Pacific, Atlantic and Gulf Coasts. The school for the Atlantic Coast shall be the United States Merchant Marine Academy maintained at Kings Point, Long Island, New York, for the advanced courses of cadets. This academy may also give preliminary training providing space is available for such training.

(c) Candidates on the eligible lists will be directed by the district instructor to report to the nearest U. S. Navy recruiting station for physical examination and thence to return to their homes and await further orders. Candidates must acknowledge, by prepaid telegram, within 24 hours, receipt of orders and must report to the district instructor on the date specified.

(d) The name of a candidate will be removed from the list if he fails to acknowledge receipt of instruction, fails to report, or rejects assignment without acceptable reason. The supervisor shall decide whether the reason offered is acceptable.

(e) Certificates of appointment signed by the supervisor shall be issued to all cadets after their assignment to basic schools or the Academy.

(f) A candidate, after passing the Naval Reserve physical examination, must inform the district instructor, superintendent of Academy or commanding officers of basic schools in writing of the number and address of his local Selective Service board and his order number. The district instructor will request local Selective Service boards to defer successful candidates until their oath of office is taken as midshipman in the Merchant Marine Reserve of the U. S. Naval Reserve. Local Selective Service boards must be promptly advised of:

(1) Date oath and acceptance of office as midshipman, Merchant Marine Reserve, is signed. (Responsibility of superintendent of Academy or commanding officers of basic schools.)

(2) Failure to complete satisfactorily the preliminary or advanced training, and consequent withdrawal of deferment request. (Responsibility of superintendent of Academy or commanding officers of basic schools.)

(3) Loss of status as cadet because of resignation, dismissal, or any other reason (except promotion), with consequent discharge from the Merchant Marine Reserve and withdrawal of request for deferment. (Responsibility of superintendent of Academy or command-

ing officers of basic schools if attached to those units. Responsibility of district instructors if cadet is not attached to Academy or basic schools.)

(g) District instructors will promptly inform the commandants of Naval districts relative to cadets not attached to Academy or basic schools who resign or are dismissed from the U. S. Merchant Marine Cadet Corps. It will be the responsibility of the superintendent of Academy or commanding officer of basic schools to inform commandants of cadets attached to their units who resign or are dismissed from the U. S. Merchant Marine Cadet Corps.

(h) During the entire course of training the aptitude and adaptability of a cadet for a career at sea will be closely observed. A cadet reported lacking in officer-like qualities may be requested to resign, or may be dismissed by the supervisor.

(i) A cadet may be ordered to his home after a period at the basic school or Academy, for the purpose of awaiting assignment to a vessel. In such cases he will be reimbursed for transportation from school to home and from home to vessel, but will not receive pay or any other allowance from the W.S.A. during such period away from school or vessel.

(j) Assignments to vessels shall be made by the supervisor or the district instructors after due consideration is given to the standing of cadets at basic schools and to the recommendations of the particular commanding officer or the superintendent of the Academy.

(k) Cadets shall not be permitted to select vessel or steamship company employer, and steamship companies shall not be permitted to select cadets.

(l) The district instructor, or the superintendent of the Academy, or the commanding officer of the basic school will arrange for:

(1) Submission of applications for appointment as midshipman, Merchant Marine Reserve;

(2) Oath of office as cadet and midshipman and fingerprinting;

(3) Furnishing of uniforms and textbooks;

(4) Furnishing of prescribed study assignments;

(5) Assignment to basic school or the Academy;

(6) Detachment from basic school or the Academy upon satisfactory completion of preliminary training and basic naval science courses, and assignment to a vessel;

(7) Reimbursement for pay due while at the basic school or the Academy and travel allowance, after satisfactory completion of preliminary training and basic naval science courses;

(8) See service papers from the proper government bureau;

(9) Introduction to proper shore official of steamship company to which assigned.

(m) A shore official of the steamship company will instruct cadets regarding:

(1) Company regulations;

(2) Approval of master;

<sup>1</sup>Not filed with the original document.

(3) Signing of ship's articles and commencement of pay from steamship company.

§ 310.56 *Courses of training.* For the duration of the emergency the courses for cadets shall be, in general, ten weeks at basic schools or the Academy for preliminary training and basic naval science, followed by not less than six months aboard merchant or training vessels and not less than seven months at the Academy for advanced study in preparation for examination for license; *Provided*, That those cadets (E) holding engineering degrees which permit them to sit for their third or second assistant engineer licenses after three to twelve months as cadet (E) aboard ship shall be required to complete the preliminary training course and basic naval science, but will be designated cadets (F-S) and follow special courses of study in preparation for their examination for license. The maximum training for cadets (E-S) will be one year aboard ships subsequent to completion of preliminary training.

(b) Before being assigned to a vessel, following the preliminary course, cadets shall successfully pass the naval science basic course final examination and such other examinations as may be designated. Cadets (D) must qualify for visual signaling proficiency certificates.

(c) While waiting transfers between ships, cadets shall report to basic schools or to the Academy for continuation of studies or may be granted leave without pay or allowances at the discretion of the district instructor.

(d) The courses during the emergency shall be those which may from time to time be designated by the supervisor. The permanent record of each cadet shall include the courses he has completed, the hours of study devoted to each course, the grade received in it, and the comments of his instructors.

(e) Study assignments, quizzes, problems and supplementary material will be furnished to cadets.

(f) Prescribed texts and equipment will be furnished cadets by the W. S. A. on custody receipt without deduction from pay:

(1) Cadets failing to complete the basic and advanced course will return to the commanding officer or the superintendent such uniforms and textbooks which were furnished by the government.

(2) In the event any textbooks or items of uniform are lost or mutilated the cost of replacements shall be borne by the cadet.

(3) Class rings must be purchased from the supply officer who will determine the eligibility of cadets to buy them. A cadet becomes eligible to wear the ring

after a minimum of nine months' service from the date of arrival at basic school. The supply officer will accept only cash or money orders in payment.

(g) Assignments, sea projects, quizzes, problems, and supplementary material shall be prepared by the Educational Unit of the U. S. Merchant Marine Cadet Corps and graded by the staff of instructors at the basic schools and the Academy as directed by the supervisor. Subject to the approval of the Director, outside services may be contracted for and utilized by the supervisor in accordance with law and within allotment limitations, when, in his judgment, efficiency would be promoted or the facilities of the staffs of the Academy or basic schools are not sufficient to administer tests and to prepare properly the courses and grade papers in all prescribed subjects.

(h) Cadets shall be advised by circular letters of any changes made in curricula by the supervisor.

(i) The district instructors and commanding officers of basic schools and the superintendent of the Academy shall advise cadets regarding a review of courses and the purchase of reference textbooks considered necessary in preparation for the examination to secure their licenses.

(j) The supervisor is authorized, in accordance with law and within allotment limitations, to employ instructors on a contract basis for detail to the Academy, basic schools, offices of district instructors and the office of the supervisor. All such contracts must be approved by the Director.

(k) Personnel for administrative duty with the United States Merchant Marine Cadet Corps, at grades designated by the supervisor will be enrolled in the United States Maritime Service when requested by the supervisor, with the approval of the Director.

(l) The supervisor is authorized, with the approval of the Director, to arrange with the Procurement Office of the Division of Training for the purchase of berthing, messing, recreational, and instructional equipment and supplies for the Academy and for basic schools and attached floating equipment, within the limitations of authorized allotments.

§ 310.57 *Pay.* (a) Cadets will receive pay at the rate of \$65 per month from the W.S.A. while at the Academy, basic schools, or places of special shore training. Pay while at the Academy or basic schools will commence on the date of attachment to the Academy or to basic schools, provided that the successful completion of the preliminary course is a prerequisite to the right of a cadet to receive any pay or compensation. Cadets initially assigned to basic schools or the

Academy for preliminary training and basic naval science shall not receive their balance of pay until after the date of their detachment from basic schools for assignments to ships or places of special shore training. Periods spent at places of special shore training shall be considered the same as time spent at the Academy or at basic schools.

(b) While attached to ships, cadets will receive minimum pay at a rate of \$65 per month from their steamship company employers.

(c) Cadets will not receive pay from the W.S.A. when not attached to the Academy or to basic schools or assigned to places of special shore training, except when specially authorized by the supervisor.

(d) In addition to the minimum rates of pay, steamship companies shall grant to cadets, attached to ships, the same percentage of increase in pay for war or other emergency bonuses as has been granted to their third officers.

(e) Cadets assigned to the Academy or basic schools for advanced courses or license preparation or while waiting assignment or while at places of special shore training shall receive their pay at the end of each calendar month and on the date of their detachment from the Academy, basic school or place of special shore training.

(f) The supervisor may place any cadet on a non-pay basis for disciplinary reasons while assigned to the Academy, basic schools, or places of special shore training.

§ 310.58 *Allowances.* (a) Cadets, while assigned to the Academy or to a basic school, will be furnished with quarters and subsistence by the W.S.A.

(b) Cadets while on special assignments away from the Academy or basic schools and when so authorized by the supervisor or district instructors, will receive an allowance of \$45 per month for quarters, subsistence and other living expenses, in addition to their pay, provided steamship companies, shipyards, or others to whom cadets are assigned for special training ashore do not pay such wages and allowances.

(c) Cadets, while assigned to ships, will be furnished with quarters and subsistence by the steamship company employer.

(d) Cadets, while traveling on the orders of a steamship company, or when quarters or subsistence are not furnished aboard ship, shall receive the same allowances for transportation, quarters, and subsistence as third officers of the steamship company.

§ 310.59 *Transportation.* (a) The W.S.A. shall reimburse cadets at the

rate of five cents per mile, based on official mileage tables of the War Department, for their traveling expenses when traveling on orders of the supervisor or district instructors:

(1) From home town to port wherein the basic school of the Academy is located, after passing Merchant Marine Reserve physical examination, reporting to the commanding officer of a basic school or to the superintendent of the Academy, execution of oath of office as cadet in the U. S. Merchant Marine Corps, and satisfactory completion of preliminary training and basic naval science courses, as outlined in § 310.56 (b).

(2) From port wherein Academy or basic school is located to the port where vessel to which the cadet is assigned is located or to a place of special shore training.

(3) From port where detached from vessel, to port wherein Academy or basic school is located, or to a place of special shore training.

(4) Between ports of Academy or basic schools and between locations of places of special shore training.

(5) From port of Academy or basic school to home, and from home to port where vessel to which assigned is located, or where special shore training is conducted, after having been ordered home by the district instructor for the specific purpose of awaiting assignment to a vessel, the Academy, a basic school, or place of special shore training.

(b) Requests from cadets for transportation reimbursement properly endorsed and approved by the district instructor will be submitted to the disbursing officer for action. When cadets are transferred from one district to another, the mileage voucher will be prepared, approved, certified, and paid in the district to which the cadet has been transferred.

(c) Cadets will not be reimbursed by the W. S. A. for travel expenses to and from the Academy or basic schools or locations of special training ashore or ships while they are on leave; unless ordered home by the district instructor or the superintendent of the Academy for the specific purpose of awaiting assignment to ships, the Academy, basic schools, or places of special training ashore.

§ 310.60 *Quarters and mess.* (a) Cadets aboard ship shall be berthed in rooms with other cadets in that part of the vessel designated as licensed officer or first class passenger quarters.

(b) Cadets shall mess with licensed deck and engineer officers.

§ 310.61 *Annual leave.* (a) Effective January 1, 1942, no annual leave with pay shall be granted to cadets by the W. S. A. or steamship companies. However, a district instructor, the superintendent of the Academy or a commanding officer of a basic school is authorized to grant leave without pay to a cadet while waiting assignment or reassignment to ships, the Academy or basic schools.

§ 310.62 *Uniforms, insignia, textbooks, equipment.* (a) Cadets shall possess uniforms, insignia, textbooks, and equipment as prescribed by the supervisor, with the approval of the Director, in "Uniform Regulations for United States Merchant Marine Corps" and in subsequent circular letters amending such regulations. Cadets assigned to basic schools or the Academy for preliminary training will be furnished such uniforms, insignia, textbooks, and equipment as may be designated by the supervisor.

(b) The supervisor shall designate the items of uniforms, insignia, textbooks, and equipment that shall be possessed and maintained during the period of training, or made optional, in accordance with the following groups:

*Group 1* shall include personal items which must be in the possession of the candidates on reporting to basic schools.

*Group 2* shall include items of uniform, insignia, textbooks and equipment which shall be furnished on custody receipt by the W.S.A. to cadets assigned to basic schools and the Academy for preliminary training. Upon successful completion of the preliminary and advanced training, such items of uniforms, insignia, textbooks and equipment shall become the property of the cadet.

*Group 3* shall include those additional items of uniform, insignia, textbooks and equipment which cadets shall purchase after leaving basic schools or the Academy and while serving on ships.

*Group 4* shall include those items of uniform and equipment which shall be optional with cadets.

§ 310.63 *Honors.* Cadets who have rendered distinguished service, or, for some other reason, have won special awards, may be ordered to Washington by the supervisor to receive such award from the Administrator, W.S.A., or other government official. In such cases the cadet shall receive pay at the rate of \$65 per month from the W.S.A. during

the period absent from the Academy, basic school, or ship and will travel on regular government travel requests issued by the W.S.A. with the per diem allowance granted government employees. If assigned to the Academy or a basic school, the cadet shall receive pay accrued and due on the day ordered to depart from the Academy or basic school for Washington. The period of stay in Washington shall be not more than five days.

§ 310.64 *Vessels required to carry cadets.* All merchant vessels registered under the flags of the United States, Panama and Honduras which are owned, chartered, or controlled by the W.S.A. are required to provide for the training of at least two cadets, which training shall be conducted under the conditions set forth in these regulations and any instructions hereafter issued.

§ 310.65 *Active duty in Navy as midshipman, Merchant Marine Reserve.* Cadets serving on vessels which have been taken over by the Navy may be ordered to active duty as midshipmen and in such cases they will carry on with the prescribed courses of study in preparation for their licenses as third mate or third assistant engineer. Midshipmen, Merchant Marine Reserve, will not be detached from active duty and assigned to the Academy for advanced course of training unless the Navy Department so directs. They will be eligible to sit for their licenses after a total of sixteen months, if they have served aboard a merchant or naval vessel for twelve months. Midshipmen may be ordered to the Academy or a basic school by the Navy Department for a period not to exceed sixty days to prepare for license examination.

§ 310.66 *Resignations.* (a) Cadets who for various reasons find that they must terminate their training, shall submit their written resignations in quadruplicate to the supervisor via the master or commanding officers of their vessels and the district instructor. Resignations of cadets assigned to a vessel must be made effective at the termination of the voyage in a United States port and shall be submitted to the master or commanding officer at least ten days before arrival in port. A resignation of a cadet at the Academy or basic schools must be made to the superintendent of the Academy or to the commanding officer of the basic school for transmission to the district instructor and the supervisor not less than ten days before the resignation is to be effective.

(b) Detailed reasons for terminating training must be stated in resignation.

(c) A copy of resignation must be forwarded by the district instructor to the Chief of Naval Personnel via the commandant of the naval district. This copy shall be endorsed with statement that cadet is a midshipman, Merchant Marine Reserve, and is transmitted for action of the chief of naval personnel. The district instructor shall transmit another copy to the local Selective Service board of cadet with endorsement stating: "This cadet is a midshipman, Merchant Marine Reserve. A copy has been forwarded to the Chief of Naval Personnel for his action."

§ 310.67 *Termination of training; diploma.* A cadet will be eligible for diploma after complying with all of the following conditions:

(1) Satisfactory completion of the prescribed courses of study as certified by the superintendent of the Academy or the commanding officer of a basic school, in conjunction with the district instructor.

(2) Successful completion of the Bureau of Marine Inspection and Navigation examination for a license as third mate or third assistant engineer.

(3) Filing application for a commission as ensign, Merchant Marine Reserve. (Cadets are eligible to apply for a commission as ensign, Merchant Marine Reserve, after successful completion of the basic and advanced naval science courses and after securing a license as third mate or third assistant engineer. Cadets who have not completed both the basic and advanced naval science courses successfully must serve three months on their licenses before becoming eligible for commissions.)

§ 310.68 *Distribution of regulations.* These regulations shall be distributed to cadets, applicants for appointment as cadets, steamship company officials, masters and officers of vessels and others concerned with or interested in the training of cadets ashore and afloat.

§ 310.69 *Amendment of regulations and issuance of instructions.* The supervisor is hereby authorized, with the approval of the Director, to prescribe and issue instructions supplementing these regulations for the training of cadets assigned to the United States Merchant Marine Academy or to basic schools, locations of special training, and aboard ships. Copies of such instructions will be distributed to those concerned.

§ 310.70 *Address for mailing purposes.* All communications relating to matters connected with the appointment and training of cadets in the U. S. Merchant Marine Cadet Corps, Division of Training, War Shipping Administration, Washington, D. C.

§ 310.71 *Effective date.* These regulations shall become effective as of July 11, 1942 and shall supersede all previous regulations for the appointment and training of cadets in the U. S. Merchant Marine Cadet Corps.

[SEAL]

E. S. LAND,

Administrator,

War Shipping Administration.

SEPTEMBER 23, 1942.

[F. R. Doc. 42-9490; Filed, September 24, 1942; 11:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

##### APPLICATIONS INVOLVING CERTAIN FREQUENCY SHIFTS

Effective September 22, 1942, the Commission relaxed slightly its interpretation of the Memorandum Opinion of April 27, 1942,<sup>1</sup> in order that applications

<sup>1</sup> 7 F.R. 3248.

involving shifts in frequency in which no materials will be utilized other than quartz crystals, may be granted, provided:

(a) Such applications involve no inconsistencies with Order No. M-146<sup>2</sup> of the War Production Board relating to quartz crystals;

(b) Such applications involve no engineering conflict with any other application pending at any time since February 22, 1942;

(c) Such applications involve no inconsistencies with the Commission's Rules and Regulations;

(d) Such applications tend toward a fair, efficient, and equitable distribution of radio service, are consistent with sound allocation principles and offer substantial improvement in standard broadcast service; and

(e) Such applications are otherwise in the public interest.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9547; Filed, September 25, 1942; 10:59 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-321]

#### BALDY COAL COMPANY

##### NOTICE OF AND ORDER FOR HEARING

In the matter of E. W. Meggison and E. E. Bowen, individually and as co-partners, doing business under the name and style of Baldy Coal Company, code member.

(a) Under provisions of the Bituminous Coal Act of 1937 (the "Act"), dis-

<sup>1</sup> 7 F.R. 3718, 5663.



tribut boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

(b) The Division on May 14, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, orders, rules and regulations thereunder have been committed by E. W. Meggison and E. E. Bowen, individually and as co-partners, doing business under the name and style of Baldy Coal Company, the Code Member above named (hereinafter referred to as the "Code member") whose Code Membership became effective as of February 8, 1941, operating the Baldy Mine, Mine Index No. 7 (previously operated by E. W. Meggison as an individual code member), located in Las Animas County, Colorado, Subdistrict No. 7 of District No. 17, in connection with the following:

(1) *Section 4 II (e) of the Act and Part II (e) of the Code.* Sales for truck shipment subsequent to February 8, 1941, of coal produced at the aforesaid mine below the effective minimum prices established therefor, including sales during the period February 8 to October 31, 1941, both dates inclusive, of approximately 291.78 net tons of run of mine (Size Group No. 17),  $\frac{3}{4}$ " lump coal (required to be priced as Size Group No. 5 by Price Instruction and Exception No. 5 of the Schedule referred to below) and  $\frac{3}{4}$ " x 0 slack coal (required to be priced as Size Group No. 13 by said Price Instruction and Exception No. 5), to various persons at the mine, at prices ranging from 35 cents to \$2.12 per net ton below the effective minimum f. o. b. mine prices for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments.

(2) *Rules 4 (B) and 9 (a) of section II of the Marketing Rules and Regulations.* Allowed, paid or obligated itself to allow or pay, directly or indirectly, commissions from the effective minimum price of 15 cents per net ton to George Heap of Trinidad, Colorado, purporting to act as sales agent, on approximately 110.8 tons of  $1\frac{1}{2}$ " x 0 coal sold to the Trinidad Electric Railway Transmission and Gas Company, during the period June 26 to August 31, 1941, both dates inclusive, and on approximately 769.45 tons of  $1\frac{1}{2}$ " x 0 coal sold to the Denver and Rio Grande Western Railroad during the period July 7 to September 9, 1941, both dates inclusive, although at the time of said transactions, a certified copy of a sales agency contract between the Code Member and said George Heap had not been filed with the Division, as required by Rule 4 (B) of section II of the Marketing Rules and Regulations.

No. 190—7

(3) *Section 4 II (i) 7 of the Act and Part II (i) 7 of the Code and Rule 7 of section XIII of the Marketing Rules and Regulations.* Purchase of business during the period June 26 to August 31, 1941, both dates inclusive, from the Trinidad Electric Railway Transmission and Gas Company, Walsenburg, Colorado, and the Denver and Rio Grande Western Railroad, Denver, Colorado, in respect to 879.53 tons of  $1\frac{1}{2}$ " x 0 coal by the payment therefor of 15 cents per net ton to said George Heap, Trinidad, Colorado.

(c) By letter dated August 25, 1942, the Division notified said Board that unless it took action in this matter within twelve (12) days from the date of said notification the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

(d) District Board No. 17 has not taken any action in this matter.

(e) Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

(f) District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this notice of and order for hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(1) Whether the Code Member has wilfully violated section 4 II (e) and (i) 7 of the Act, Part II (e) and (i) 7 of the Code, Rules 4 (B) and 9 (a) of section II and Rule 7 of Section XIII of the Marketing Rules and Regulations; and

(2) Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

*It is hereby ordered,* That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act be held on November 14, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Trinidad, Colorado, to determine whether or not the aforementioned Code Member has committed the violations in the respects heretofore described and whether or not the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

*It is further ordered,* That Charles O. Fowler or any other officer or officers of

the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this notice of and order for hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[P. R. Doc. 42-3506; Filed, September 24, 1942;  
1:00 p. m.]

[Docket No. B-323]  
GUILLERMO BOWMAN

NOTICE OF AND ORDER FOR HEARING

(a) Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district

boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

(b) The Division on May 25, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder, and particularly section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, have been committed by Guillermo Bowman, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of November, 1938, operator of the Crystal Mine, Mine Index No. 232, located in Las Animas County, Colorado, Subdistrict No. 7 of District No. 17, in connection with (a) sales and delivery by truck, subsequent to September 30, 1940, of coal produced at the aforesaid mine below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, plus the actual transportation, handling and incidental charges from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction and Exception No. 14, as amended and contained in Supplement No. 1, to the aforesaid schedule, and (b) the intentional misrepresentation of the sizes and sales prices on the truck sales tickets covering said coal, including the following transactions:

(1) Sale and delivery of approximately 213 tons of  $\frac{1}{2}$ " x 0 slack coal at prices ranging from \$1.79 to \$2.25 per net ton during the period October 1, 1940, to September 30, 1941, inclusive, to various purchasers in or near Trinidad, Colorado, which coal fell within a size group and classification for which no price was listed for said mine at the time of said transactions and should have been sold, as required by Price Instruction No. 5, at not less than \$2.25 per net ton f. o. b. said mine, which was the price applicable to Size Group No. 13, the next larger size for which a price was listed, to which was required to be added pursuant to said Price Instruction and Exception No. 14, an amount sufficient to cover the cost of transportation, handling and incidental charges from said mine to the points of delivery; and intentionally misrepresenting on the truck sales tickets covering said coal the size and sales prices thereof.

(2) Sale and delivery of approximately 267 tons of  $\frac{1}{2}$ " lump coal at prices ranging from \$2.58 to \$3.56 per net ton during the period October 1, 1940 to September 30, 1941, inclusive, to various purchasers in or near Trinidad, Colorado, which coal fell within a size group and classification for which no price was listed for said mine at the time of said transactions,

and such coal should have been sold, as required by said Price Instruction No. 5, at not less than \$3.75 per net ton f. o. b. said mine, to which was required to be added, pursuant to said Price Instruction and Exception No. 14, an amount sufficient to cover the cost of transportation, handling and other incidental charges from said mine to the points of delivery; and intentionally misrepresenting on the truck sales tickets covering said coal the size and sales prices thereof.

(c) By letter dated September 2, 1942, the Division notified said board that unless it took action in this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

(d) District Board No. 17 has not taken any action in this matter.

(e) Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

(f) District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this notice of and order for hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(1) Whether the Code Member has wilfully violated section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

(2) Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder, an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

*It is hereby ordered,* That a hearing pursuant to section 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 16, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Trinidad, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

*It is further ordered,* That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said

hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by said Code Member of this notice of and order for hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9504; Filed, September 24, 1942;  
12:59 p. m.]

[Docket No. B-322]

MOSCHETTI COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Dom. Moschetti, also known as Dominic Moschetti, doing business as Moschetti Coal Company, code member.

(a) Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations

of the Bituminous Coal Division (the "Division").

(b) The Division on June 1, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder have been committed by Dom. Moschetti, also known as Dominic Moschetti, doing business as Moschetti Coal Company, the Code Member above-named (hereinafter referred to as the "Code Member"), whose Code Membership became effective as of August 4, 1937, operator of the Canon Chief Mine, Mine Index No. 342, located in Fremont County, Colorado, Subdistrict 3 of District No. 17, in connection with the following:

(1) *Section 4 II (e) of the Act and Part II (e) of the Code.* Sales for truck shipment, subsequent to September 30, 1940, below the effective minimum prices therefor as set forth in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments (the "Schedule"), of substantial quantities of coal produced at the aforesaid mine, including the following:

(i) Sale of approximately 8½ tons of coal to the Diamond Firebrick Company, Canon City, Colorado on or about May 23, 1941, at \$1.20 per net ton f. o. b. the mine, the effective minimum price for ¾" slack coal, Size Group No. 15, whereas said coal was actually 10 percent oversize and should, therefore, have been sold at not less than the price established for the next larger size group for this mine as required by Price Instruction and Exception No. 5 of the Schedule, which was 1½" x 0 slack, Size Group No. 13, and priced at not less than \$1.95 per net ton f. o. b. the mine as set forth in the Schedule;

(ii) Sale of approximately 13,050 pounds of 3" lump coal, Size Group No. 3, on or about January 8, 1941, to the Pioneer Coal Supply, Pueblo, Colorado, charging therefor at the rate of approximately \$3.53 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was \$4.25 per net ton f. o. b. said mine as set forth in the schedule;

(iii) Sales to various purchasers of approximately 471 tons of coal during July 1941, invoiced as 3" lump coal and sold at \$4.25 per net ton f. o. b. said mine, whereas said coal was actually 8" lump and should have been sold at not less than the price established for Size Group No. 1 which was \$4.55 per net ton f. o. b. said mine, as set forth in the schedule;

(iv) Sales to various purchasers of approximately 86 tons of coal during July 1941, invoiced as 3" x 1½" lump coal and sold at \$3.50 per net ton f. o. b. said mine, whereas said coal was actually 8" x 1½" coal and should have been sold at not less than the price established for Size Group No. 6 which was \$3.95 per net ton f. o. b. said mine, as set forth in the Schedule;

(v) Sales to various purchasers of approximately 76 tons of coal during July 1941 invoiced as 6" x 1½" lump at \$3.35 per net ton f. o. b. said mine, whereas said coal was actually 8" x 1½" coal

and should have been sold at not less than the price established for Size Group No. 6 which was \$3.95 per net ton f. o. b. said mine, as set forth in the Schedule; and

(vi) Sales of approximately 454 tons of 3" lump coal, Size Group No. 3, to Victor Herlacher, trading as the Western Coal Supply, Pueblo, Colorado, at prices ranging from \$3.56 to \$3.58 per net ton, during the period November 27, 1940 to September 30, 1941, whereas the applicable effective minimum price for such coal was \$4.25 per net ton f. o. b. the mine, pursuant to the Schedule and said Price Instruction and Exception No. 5, and approximately five tons of 1¼" x 3" nut coal, Size Group No. 9, sold to said Victor Herlacher at \$2.85 per net ton, whereas the applicable minimum price for such coal was \$3.50 per net ton f. o. b. the mine, pursuant to the Schedule and said Price Instruction and Exception No. 5.

(2) *Section 4 II (i) 8 of the Act; Part II (i) 8 of the Code; Rule 2 of Section XII and Rule 8 of Section XIII of the Marketing Rules and Regulations; Order of the Division No. 307 dated December 11, 1940; and Order of the Division No. 312 dated February 24, 1941.*

(i) Intentional misrepresentation of the weight of coal on truck ticket No. 811, dated January 8, 1941, in the sale to the Pioneer Coal Supply Company, Pueblo, Colorado, in that said weight was described as 17,000 pounds of 3" lump coal, whereas the actual weight of said coal was 18,050 pounds; and

(ii) Intentional failure to set forth on his truck sales tickets the actual sizes of the coal referred to in paragraph (1) (iii), (iv), and (v) above in that said Code Member recorded on said truck tickets sizes which were smaller than the actual sizes.

(iii) By letter dated August 25, 1942, the Division notified said board that unless it took action in this matter within twelve (12) days from said notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

(d) District Board No. 17 has not taken any action in this matter.

(e) Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

(f) District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this notice of and order for hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining

(1) Whether the Code Member willfully violated section 4 II (e) and (i) 8 of the Act; Part II (e) and (i) 8 of the Code; Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and Orders of the Division Nos. 307 and 312, dated December

11, 1940 and February 24, 1941, respectively; and

(2) Whether, in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder, an Order should be entered revoking the Code Membership of the Code Member, or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

*It is hereby ordered,* That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 10, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

*It is further ordered,* That Charles O. Fowler or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under §301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to §301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this

proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9505; Filed, September 24, 1942;  
1:00 p. m.]

[Docket No. B-329]

ARTHUR L. PETTY AND LeMAR DENISON

#### NOTICE OF AND ORDER FOR HEARING

In the matter of Arthur L. Petty & LeMar Denison, individually and as co-partners, code member.

(a) Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code"), and rules and regulations of the Bituminous Coal Division (the "Division").

(b) The Division on May 16, 1942, referred to District Board No. 20 information in its possession bearing on whether violations of the Act, the Code, orders, rules and regulations thereunder and particularly section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII, Rule 8 of section XIII and order of the Division No. 312 dated February 24, 1941, have been committed by Arthur L. Petty & LeMar Denison, individually and as co-partners, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of September 5, 1941, operator of the Browning Mine, Mine Index No. 125, located in Emery County, Utah, District No. 20, in connection with (a) sales for truck shipment to various purchasers, subsequent to September 5, 1941, below the effective minimum prices established therefor of coal produced at the aforesaid mine, and (b) the intentional misrepresentation of the sizes of said coal by the false recording of sizes thereof on truck sales tickets, including:

(1) Sales of approximately 742.6 net tons of lump coal during the period October 1, 1941, through October 31, 1941, at \$2.45 per net ton f. o. b. the mine, whereas said coal was required to be included in Size Group No. 3 at a price of \$2.65 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 20 For All Shipments and Price Instruction and Exception No. 5 thereof, and intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as  $\frac{5}{8}$ " lump;

(2) Sales of approximately 3,126.5 net tons of lump coal, during the period November 1, 1941 through January 31, 1942, at prices ranging from \$2.45 to \$2.55 per net ton f. o. b. said mine, whereas said coal was required to be included in Size Group No. 3 and priced at \$2.65 per net ton f. o. b. said mine, as set forth in the schedule and Price Instruction and Exception referred to above, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $\frac{5}{8}$ " lump; and

(3) Sales of approximately 637.77 tons of nut coal, during the period October 1, 1941 through January 31, 1942, at \$1.50 per net ton f. o. b. said mine, whereas said coal was required to be included in Size Group No. 7 and priced at \$1.65 per net ton f. o. b. said mine, as set forth in said schedule and said Price Instruction and Exception, and intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 3" x 1 $\frac{1}{4}$ " nut.

(c) By letter dated August 19, 1942, the Division notified said board that unless it took action in this matter within fifteen (15) days from the date of said notification the Division would take such action in lieu of the board, if it deemed it to be appropriate.

(d) District Board No. 20 has not taken any action in this matter.

(e) Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

(f) District Board No. 20 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this notice of and order for hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(1) Whether the Code Member has wilfully violated section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII, Rule 8 of section XIII and Order of the Division No. 312 dated February 24, 1941; and

(2) Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder, an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on October 31, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Price, Utah, to determine whether the afore-mentioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from

violating the Act, the Code and rules regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9499; Filed, September 24, 1942;  
12:59 p. m.]

[Docket No. B-319]

VENTO COAL COMPANY

#### NOTICE OF AND ORDER FOR HEARING

In the matter of Tony Vento, an individual doing business under the name

and style of Vento Coal Company, code member.

(a) Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

(b) The Division on June 9, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, orders, rules and regulations thereunder have been committed by Tony Vento, an individual doing business under the name and style of Vento Coal Company, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of

November 14, 1940, operator of the Vento Mine, Mine Index No. 450, located in Fremont County, Colorado, Subdistrict No. 3 of District No. 17, in connection with the following:

(1) *Section 4 II (e) of the Act, Part II (e) of the Code.* Sales for truck shipment, subsequent to November 14, 1940, of coal produced at the aforesaid mine below the effective minimum f. o. b. mine prices established therefor in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, as set forth in Temporary Supplement No. 4 to Price Schedule No. 1 for District No. 17 and Supplement A to Price Schedule No. 1 for District No. 17 annexed to and made a part of the Director's Orders in Docket No. A-258 dated November 14, 1940, and August 20, 1941, respectively, including the following sales:

Date of sale	Purchaser	Tonnage	Size	Size group	Sales price per ton	Eff. min. f. o. b. mine price
7-29-41	Silver Trucking Service	11.347	3" x 1 1/4"	9	\$2.61	\$3.59
7-29-41	Silver Trucking Service	2.63	3" lump	3	3.64	4.25
4-29-41	New Deal Coal Yard	2	2 1/2" x 1 1/4"	10	2.63	3.19
4-29-41	Elmer Bos	4	3 1/2" x 1 1/4"	10	2.75	3.19
6-12-41	Elmer Bos	8	3 1/2" x 1 1/4"	10	2.75	3.19
5-2-41	New Deal Coal Yard	4	3 1/2" x 1 1/4"	10	2.75	3.19
5-12-41	Bud Newmester	8.225	3" x 1 1/4"	9	2.74	3.59
7-25-41	New Deal Coal Yard	8.175	3" lump	3	3.69	4.25
4-2-41 to 7-18-41	Lorenzo Martino	63.339	3" lump	3	3.41	4.25
5-10-41 to 10-30-41	Ed Neumeister	184.65	3" lump	3	3.41 to 3.57	4.25
5-10-41 to 10-30-41	Ed Neumeister	48.04	1 1/2" x 3"	9	2.73 to 2.83	3.59
5-10-41 to 10-31-41	Ed Neumeister	20.89	1 1/2" x 3"	10	2.59 to 2.63	3.19
6-2-41	A. Harfert	8	1 1/2" x 3"	9	2.60	3.59
12-1-41 to 12-31-41	Various purchasers	454.385	3" lump	3	3.75	4.25
12-1-41 to 12-31-41	Various purchasers	223.595	1 1/2" x 3"	9	3.69	3.59
12-1-41 to 12-31-41	Various purchasers	20.325	1 1/2" x 3"	10	2.63	3.19
12-1-41 to 12-31-41	Various purchasers	13.160	1 1/2" x 0	13	1.70	1.65
3-6-41	Southern Colorado Power Co.	8.62	1 1/2" x 0	13	1.59	1.65

(2) *Section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code and Rule 2 of Section XII and Rule 8 of Section XIII of the Marketing Rules and Regulations.* Sales and delivery by truck, subsequent to November 14, 1940, of coal produced at the aforesaid mine below the effective minimum prices established therefor in said Schedule of Effective Minimum Prices for District No. 17, supplemented as aforesaid, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling and incidental charges from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction and Exception No. 14, as amended and contained in said Supplement No. 1 to said schedule, including the following:

(i) Sales to Southern Colorado Power Company during the period January 11 to 31, 1942, both dates inclusive, for delivery to its plant located in Canon City, Colorado, of approximately 191.94 net tons of 1 1/4" x 0 coal (Size Group No. 13) at a delivered price of \$2.00 per net ton which was less than the effective minimum f. o. b. mine price for said coal of \$1.70 per net ton (pursuant to Price Instruction and Exception No. 15 as set forth in said schedule), plus the amount required to be added by said Price In-

struction and Exception No. 14, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3/4" x 0 slack (Size Group No. 15);

(ii) Sales to the Southern Colorado Power Company during the period January 11 to 31, 1942, both dates inclusive, for delivery to its plant located in Pueblo, Colorado of approximately 248.66 net tons of 1 1/4" x 0 coal (Size Group No. 13) at a delivered price of \$2.30 per net ton which was less than the effective minimum f. o. b. mine price for said coal of \$1.70 per net ton (pursuant to said Price Instruction and Exception No. 15), plus the amount required to be added by said Price Instruction and Exception No. 14, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3/4" x 0 slack (Size Group No. 15).

(iii) *Order of the Division No. 296 dated September 23, 1940, and Order of the Division No. 297 dated October 22, 1940.* Failure to file with the Division sales ticket No. 1840, covering sale by the Code Member of approximately 8,325 tons of 3" lump coal sold on or about December 31, 1940.

(iv) *Order of the Division No. 317 dated February 24, 1941.* Failure by the Code Member, during the period May 10 to August 30, 1941, both dates inclusive, to file copies of the truck tickets, sales slips

or invoices for each sale of coal giving all the information required by section III (b) of Order No. 307, or a list of each such sale giving all the information required by section III (b) of Order No. 307 as required by order of the Division No. 317.

(c) By letter dated August 21, 1942, the Division notified said board that unless it took action in this matter within fifteen (15) days from said notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

(d) District Board No. 17 has not taken any action in this matter.

(e) Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

(f) District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this notice of and order for hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(1) Whether the Code Member has wilfully violated section 4 II (e), (g) and (i) 8 of the Act; Part II (e), (g) and (i) 8 of the Code; Orders of the Division Nos. 296, 297 and 317, dated September 23 and October 22, 1940 and February 24, 1941, respectively; and Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

(2) Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an Order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing, pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 5, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such



places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in proceedings instituted pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9507; Filed, September 24, 1942;  
12:59 p. m.]

[Docket No. B-324]

NICKIE ROCCHIO, CODE MEMBER

NOTICE OF AND ORDER OF HEARING

A. Under provisions of the Bituminous Coal Act of 1937, (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on June 6, 1942, referred to District Board No. 17 information in its possession bearing on wheth-

er violations of the Act, the Code, Orders, and rules and regulations thereunder, and particularly section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, have been committed by Nickie Rocchio, the Code Member above named (hereinafter referred to as the "Code Member") whose code membership became effective as of June 16, 1941, operator of the Annex Mine, Mine Index No. 296 (formerly operated by Thomas Hovenic, Code Member), located in Fremont County, Colorado, Subdistrict No. 3 of District No. 17, in connection with the following transactions:

1. Sale and delivery by truck, subsequent to June 16, 1941, of coal produced at the aforesaid mine below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, plus the actual transportation, handling and incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction and exception No. 14, as amended and contained in Supplement No. 1 to the aforesaid Schedule, including the following:

(a) Sales of approximately 483.57 net tons of 1¼" x 0 slack coal (Size Group No. 13) at a delivered price of \$2.10 per net ton, to the Southern Colorado Power Company, and delivered at its Pueblo, Colorado plant, a distance of approximately 40 miles from the mines, during the period August 12, 1941 through December 31, 1941, inclusive, which was less than the effective minimum f. o. b. mine price for said coal of \$1.95 per net ton, as set forth in the aforesaid Schedule, plus the amount required to be added by said Price Instruction and Exception No. 14.

(b) Sales of approximately 202.51 net tons of 1¼" x 0 slack coal, Size Group No. 13, at a delivered price of \$1.80 per net ton, to the Southern Colorado Power Company and delivered at its Canon City, Colorado plant, a distance of approximately 20 miles from the mine during the period June 17, 1941, through August 11, 1941, inclusive, which was less than the effective minimum f. o. b. mine price for said coal, as set forth in said Schedule, of \$1.95 per net ton, plus the amount required to be added by said Price Instruction and Exception No. 14.

C. By letter dated August 21, 1942, the Division notified said Board that unless it took action in this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore

described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code during the period June 17, 1941 to December 31, 1941, both dates inclusive; and

2. Whether in the event the Code Member is found to have violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act, be held on November 9, 1942, at 10 a. m., at a hearing room of the Division at the Post Office Bldg., Pueblo, Colo., to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the petition of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after

the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAK H. WHEELER,  
Director.

[F. R. Doc. 42-9503; Filed, September 24, 1942;  
1:00 p. m.]

[Docket No. B-325]

JOHN FODERARO, CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on July 22, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder have been committed by John Foderaro, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of September 9, 1938, operator of the Strawberry Mine, Mine-Index No. 269, located in Huerfano County, Colorado, Subdistrict No. 1 of District No. 17, in connection with the following:

1. Section 4 II (e) of the Act and Part II (e) of the Code. Sales, for truck shipment, subsequent to September 30, 1940, of coal produced at the aforesaid mine below the effective minimum prices therefor as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, including the following transactions:

a. Sales to various purchasers during the period October 15, 1940 to January 19, 1942, both dates inclusive, of approximately 49,045 net tons of 3" lump coal (Size Group No. 3) at \$4.25, \$4.50 and \$4.65 per net ton f. o. b. said mine, whereas the applicable minimum f. o. b. mine price for said coal was \$4.75 per

net ton as set forth in the aforesaid Schedule;

b. Sales to various purchasers during the period December 16, 1940 to October 18, 1941, both dates inclusive, of approximately 13.8 net tons of 3"x1 1/4" coal (Size Group No. 9) at \$3.15 and \$3.50 per net ton f. o. b. the mine, whereas the applicable minimum f. o. b. mine price for said coal was \$3.65 per net ton as set forth in the aforesaid Schedule;

c. Sale to Monte Knight, Pueblo, Colorado, on or about October 8, 1941, of approximately 13,250 net tons of 1 1/4"x0 slack coal (Size Group No. 13) at \$1.70 per net ton f. o. b. the mine, whereas the effective minimum f. o. b. mine price for said coal was \$1.95 per net ton as set forth in the aforesaid Schedule; and

d. Sales to the Mountain Ice Co., Pueblo, Colorado, on or about October 6, 8 and 9, 1941, of approximately 33,935

net tons of 1 1/4"x0 slack coal (Size Group No. 13) at \$1.70 per net ton f. o. b. the mine whereas the effective minimum f. o. b. mine price for said coal was \$1.95 per net ton as set forth in the aforesaid Schedule.

2. Section 4 II (e) and (g) of the Act, Part II (e) and (g) of the Code. Sales and delivery by truck, subsequent to September 30, 1940, of coal produced at the aforesaid mine at prices below the effective minimum f. o. b. mine prices established in the aforesaid Schedule, plus the actual transportation, handling and other incidental charges from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction No. 14, as amended and contained in Supplement No. 1 to the aforesaid Schedule, including the following transactions:

Date	Purchaser (all located Pueblo, Colo.)	Tons	Size	Delivered price	Eff. min. f. o. b. mine price	Mine's haulage
3-29-41 to 4-14-41	Theo. Coal & Lime Co.	132,173	1 1/4"x0	\$2.60	\$1.95	70
6-3-41 to 7-8-41	Theo. Coal & Lime Co.	29,475	1 1/4"x0	2.50	1.95	50
10-25-40 to 1-17-41	A. G. Stubbinsfield	23,015	1 1/4"x0	2.50	1.95	50
10-1-41	Southern Colo. Power Co.	7,425	1 1/4"x0	2.10	1.95	50
12-18-40 to 3-22-42	Southern Colo. Power Co.	29,899	1 1/4"x0	2.50	1.95	50
12-2-41 to 3-27-42	Southern Colo. Power Co.	13,639	1 1/4"x0	1.60	1.95	50
12-2-41 to 4-30-42	A. H. Copley	132,000	1 1/4"x0	2.75	1.95	50
10-16-40 to 12-19-40	Ashley Lumber Co.	17,000	3" lump	3.60	4.75	50
12-18-40	Ashley Lumber Co.	8,657	3"x1 1/4"	4.15	3.65	50
10-7-40 to 9-14-41	Verbiest Co.	12,012	1 1/4"x0	2.25	1.95	50
11-17-40	Congress Hotel	8,451	1 1/4"x0	2.50	1.95	50
11-22-40 to 12-3-40	Congress Hotel	2,865	1 1/4"x0	2.50	1.95	50
1-14-41	Superior Dairy	9,43	1 1/4"x0	2.75	1.95	50
9-5-41	Mountain Ice Co.	8,660	1 1/4"x0	2.50	1.95	50

3. Orders of the Division Nos. 296 and 297. Failure to file with the Statistical Bureau for District No. 17, during the period October 1, 1940 to December 31, 1940, reports of all sales of substantial tonnages of coal produced, sold and shipped from the above-mentioned mine, by truck or wagon, to various purchasers, and copies of truck tickets, sales slips, invoices or lists of said sales, as required by Orders of the Division Nos. 296 and 297, dated September 23 and October 22, 1940, respectively.

4. Order of the Division No. 317. Failure and refusal to file with the Statistical Bureau for District No. 17 for each month from and including March 1941 through June 1942, within five (5) days after the end of each of said months, a report of all sales made during each of said months, of coal produced at the aforesaid mine, and shipped by truck or wagon to various purchasers, and copies of truck tickets, sales slips, invoices and listings of said sales, as required by section 3 (b) of Order of the Division No. 307, dated December 11, 1940.

C. By letter dated September 2, 1942, the Division notified said board that unless it took action in this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e) and (g) of the Act, Part II (e) and (g) of the Code, Orders of the Division Nos. 296, 297 and 317, dated September 23 and October 22, 1940 and February 24, 1941, respectively; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing, pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 17, 1942,

at 10 a. m. at a hearing room of the Division at the Court House, Trinidad, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered, directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or

otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9502; Filed, September 24, 1942;  
4:01 p. m.]

[Docket No. B-315]

TONY SANTARELLI, CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act") district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division, on July 10, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, orders, rules and regulations thereunder, and particularly section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, have been committed by Tony Santarelli, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of June 21, 1937, operator of the Double Dick Mine, Mine Index No. 382, located in Fremont County, Colorado, Subdistrict No. 3 of District No. 17 in connection with sales for truck shipment, subsequent to September 30, 1940, of coal produced at the aforesaid mine below the effective minimum prices established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments (hereinafter referred to as the "Schedule"); including the following:

1. Sales to various purchasers, during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 7,769.48 net tons of coal (Size Group No. 2), produced at the aforesaid mine, at prices ranging from \$1.57 to \$3.92 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the Schedule, was \$3.95 per net ton as set forth in the Schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3" lump (Size Group No. 3).

2. Sales to various purchasers, during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 1,194.25 net tons of coal (Size Group No. 2) produced at the aforesaid mine, at prices ranging from \$4.00 to \$4.44 per net ton f. o. b. said mine, whereas the effective minimum

f. o. b. mine price for said coal was \$4.45 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3" lump (Size Group No. 3).

3. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 4,522.17 net tons of coal (Size Group No. 5) produced at the aforesaid mine, at prices ranging from \$1.03 to \$3.43 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the schedule was \$3.50 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3" x 1½" nut (Size Group No. 9).

4. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 652.55 net tons of coal (Size Group No. 5) produced at the aforesaid mine at prices ranging from \$3.47 to \$3.93 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was \$4.00 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 3" x 1½" nut (Size Group 9).

5. Sales to E. C. Brinlee (Blue Flame Coal Company), Colorado Springs, Colorado, on or about November 3, 1940, of approximately 4.86 net tons of coal (Size Group No. 6), produced at the aforesaid mine at \$3.10 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was \$3.95 per net ton, as set forth in the schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 1½" x 6" nut (Size Group No. 7).

6. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 2,035.16 net tons of coal (Size Group No. 9), produced at the aforesaid mine at prices ranging from \$2.10 to \$2.93 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the schedule, was \$3.00 per net ton as set forth in the schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 1½" x 1" nut (Size Group No. 10).

7. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 208.82 net tons of coal (Size Group No. 9), produced at the aforesaid mine at prices ranging from \$3.47 to \$3.93 per net ton f. o. b. said mine, whereas the

effective minimum f. o. b. mine price for said coal was \$3.50 per net ton as set forth in the schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $1\frac{1}{2}$ " x 1" nut (Size Group No. 10).

8. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 542.24 net tons of coal (Size Group No. 10), produced at the aforesaid mine, at prices ranging from \$1.58 to \$2.71 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the schedule was \$2.85 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $1\frac{1}{4}$ " x  $\frac{3}{8}$ " nut (Size Group No. 11).

9. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 320.41 net tons of coal (Size Group No. 10), produced at the aforesaid mine at prices ranging from \$2.66 to \$3.00 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was \$3.10 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $1\frac{1}{4}$ " x  $\frac{3}{8}$ " nut (Size Group No. 11).

10. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 12.53 net tons of coal (Size Group No. 9) produced at the aforesaid mine at prices ranging from \$2.06 to \$2.45 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15, was \$3.00 per net ton as set forth in the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $\frac{3}{4}$ " x  $1\frac{1}{4}$ " nut (Size Group No. 10).

11. Sales to various purchasers during the period October 1, 1940, to December 31, 1941, both dates inclusive, of approximately 89.65 net tons of  $\frac{3}{4}$ " x  $1\frac{1}{4}$ " coal (Size Group No. 10), produced at the aforesaid mine at prices ranging from \$1.90 to \$2.83 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15, of the schedule was \$2.85 per net ton as set forth in the schedule.

12. Sales to E. C. Brinlee (Blue Flame Coal Company), Colorado Springs, Colorado, during the period November 19, 1940 to February 10, 1941, both dates inclusive, of approximately 31.55 net tons of coal (Size Group No. 13) produced at the aforesaid mine at \$1.13 and \$1.05 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the schedule, was \$1.70 per net ton as set forth in

the schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $\frac{3}{4}$ " x 0 slack (Size Group No. 15).

13. Sales to John Berlinger during the period February 11, 1941, to April 4, 1941, both dates inclusive, of approximately 10.85 net tons of  $1\frac{1}{2}$ " x  $\frac{3}{4}$ " nut coal (Size Group No. 10), produced at the aforesaid mine at prices ranging from \$2.60 to \$2.75 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal, pursuant to Price Instruction and Exception No. 15 of the schedule, was \$2.85 per net ton as set forth in the schedule.

C. By letter dated July 31, 1942, the Division notified said board that unless it took action in this matter, the Division would take such action in lieu of the District Board as it deemed to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act provides in part that in the event a District Board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the District Board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board as in this Notice of and Order for Hearing provided, pursuant to Section 6 (a) and other pertinent provisions of the Act, for the purpose of determining

1. Whether the Code Member has willfully violated section 4 II (e) and section 4 II (i) 8 of the Act, Part II (e) and Part II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and the rules and regulations thereunder, an order should be entered revoking the Code Membership of Tony Santarelli, Code Member, or directing said Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing, pursuant to sections 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act be held on November 3, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such

matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate Order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate Order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and Orders entered therein may concern, in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9503; Filed, September 24, 1942;  
1:01 p. m.]

[Docket No. B-329]

WILLIS E. DAVIS, CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the

Bituminous Coal Division (the "Division").

B. The Division on May 14, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, and rules and regulations thereunder, and particularly section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, have been committed by Willis E. Davis, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of January 27, 1941, operator of the North Canyon Mine, Mine Index No. 266, formerly operated by A. B. and W. E. Davis, located in Garfield County, Colorado, Subdistrict No. 18 of District No. 17, in connection with sales for truck shipment, subsequent to January 27, 1941, of coal produced at the aforesaid mine below the effective minimum prices therefor including approximately 107.20 net tons of  $1\frac{1}{4}'' \times \frac{1}{8}''$  coal during the period September 8 to November 27, 1941, both dates inclusive, to various purchasers at \$1.70 per net ton f. o. b. said mine, whereas said coal falls within a size group for which no prices have been listed for said mine and must be included in Size Group No. 10, the size group for the next larger size for said mine, and priced at not less than \$2.25 per net ton f. o. b. the mine, as set forth in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 17 For All Shipments; and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as  $1\frac{1}{4}'' \times 0$  stoker and  $\frac{1}{4}'' \times 0$  slack.

C. By letter dated August 25, 1942, the Division notified said board that unless it took action in the matter within twelve (12) days from the date of notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e) and (i) 8 of the Act and Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

*It is hereby ordered*, That a hearing, pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on October 29, 1942, at 10 a. m. at a hearing room of the Division at the Federal Court Room, Grand Junction, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

*It is further ordered*, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said

Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter, and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9498; Filed, September 24, 1942; 1:01 p. m.]

[Docket No. B-328]

NUSHAFT CANON COAL COMPANY, INC.,  
CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code"), and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on May 14, 1942, referred to District Board No. 17 information in its possession bearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder have been committed by Nushaft Canon Coal Company, Inc., the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of June 21, 1937, operator of the Nushaft Mine, Mine Index No. 348, and the Rex Carbon Mine, Mine Index No. 349, both located in Fremont County, Colorado, Subdistrict No. 3 of District No. 17, in connection with the following:

1. Section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code. Sales and deliveries by truck, to various coal retailers, subsequent to September 30, 1940, through its wholesale coal yard located in Colorado Springs, Colorado, a distance of approximately 54 miles from its Rex Carbon Mine, Mine Index No. 349, of coal produced at said Rex Carbon Mine, at prices below the effective minimum prices for District No. 17 For Truck Shipments, plus the transportation, handling and incidental charges from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers as required by Price Instruction and Exception No. 14 as amended and contained in Supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, including sales and deliveries, during the



period August 20 to October 7, 1941, as follows:

Size of coal	Size group	Amount in tons	Sales prices f. o. b. coal yard, Colorado Springs, Colo.	Eff. min. f. o. b. mine price
3" Lump	3	307,965	\$4.95 to \$5.25	\$4.25
3" x 1 1/4" Nut	9	106,395	4.09 to 4.75	3.59
1 3/4" x 3/4" Stok-				
er	10	18,925	3.75 to 4.25	3.10
8" x 1 1/4" Nut	6	8,548	4.09 to 4.70	3.95
8" x 3" Grate	4	1.00	4.55	4.25

2. Section 4 II (e) of the Act and Part II (e) of the Code. Sales for truck shipment, subsequent to September 30, 1940, of coal produced at its Rex Carbon Mine, Mine Index No. 349, below the effective minimum prices therefor, including sales to the Southern Colorado Power Company, Pueblo, Colorado, during the month of November 1940, of substantial quantities of 1 1/2" x 0 coal produced at said mine at \$1.45 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 13 and priced at \$1.70 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and Price Instruction and Exception No. 15 thereof.

3. Section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations. Sales for truck shipment, subsequent to September 30, 1940, of coal produced at the aforesaid Rex Carbon Mine, below the effective minimum prices therefor, including the following:

a. Sales to various purchasers during the period August 11 to August 20, 1941, both dates inclusive, of approximately 74.15 tons of 1 1/4" x 8" coal at \$3.35 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 6 and priced at \$3.70 per net ton, as set forth in said Schedule, and said Price Instruction and Exception No. 15 thereof, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1 1/2" x 6" nut; and

b. Sales to various purchasers during the period August 10 to 20, 1941, both dates inclusive, of approximately 10.55 tons of 1 1/4" x 8" coal at \$3.85 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 6 and priced at \$3.95 per net ton f. o. b. said mine, as set forth in said Schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1 1/2" x 6" nut.

C. By letter dated August 25, 1942, the Division notified said board that unless it took action in this matter within twelve (12) days from said notification, the Division would take such action in lieu of the board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 13, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler, or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for

intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9501; Filed, September 24, 1942; 1:01 p. m.]

[Docket No. B-327]

TONY AND PASQUALE DIGIACOMO

NOTICE OF AND ORDER FOR HEARING

In the matter of Tony Digiacomo and Pasquale Digiacomo, individually and as co-partners, doing business under the name and style of Tony and Pasquale Digiacomo, Code Member.

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

B. The Division on May 16, 1942, referred to District Board No. 17 information in its possession hearing on whether violations of the Act, the Code, Orders, rules and regulations thereunder and particularly section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, have been committed by Tony Digiacomo and Pasquale Digiacomo, individually and as co-partners, doing business under the name and style of Tony and Pasquale Digiacomo, the Code Member above-named (hereinafter referred to as the "Code Member").

whose Code Membership became effective as of January 11, 1940, operator of the Canon Shamrock Mine, Mine Index No. 453, located in Fremont County, Colorado, Subdistrict No. 3 of District No. 17, in connection with the following:

1. Sales for truck shipment, subsequent to November 14, 1940, of coal produced at the aforesaid mine below the effective minimum prices established therefor, as set forth in Temporary Supplement No. 4, annexed to and made a part of the Director's Order in Docket No. A-258, dated November 14, 1940, including the following transactions:

(a) Sales of approximately 1535.685 tons of coal which had passed through  $\frac{3}{4}$ " bar spacings which is included in Size Group No. 13 (pursuant to Price Instructions and Exceptions Nos. 4 and 5, as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments), sold during the period December 10, 1940, to January 31, 1942, both dates inclusive, to the Southern Colorado Power Company, located in Canon City, Colorado, and Pueblo, Colorado, at \$1.20 per net ton f. o. b. said mine, whereas the effective minimum price for said coal (pursuant to Price Instruction and Exception No. 15, as set forth in said Schedule) was \$1.70 per net ton f. o. b. said mine, as set forth in said Temporary Supplement, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets  $\frac{3}{4}$ " slack; and

(b) Sale of approximately 13 $\frac{1}{4}$  tons of 1 $\frac{1}{2}$ " x 6" coal, Size Group No. 7, on or about July 18, 1941, to Jack Otis, Pueblo, Colorado, at \$3.00 per net ton f. o. b. said mine, whereas the effective minimum price for said coal (pursuant to Price Instruction and Exception No. 15 as set forth in said Schedule) was \$3.35 per net ton f. o. b. said mine, as set forth in the aforesaid supplement, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 3" nut.

C. By letter dated August 21, 1942, the Division notified said Board that unless it took action in the matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

D. District Board No. 17 has not taken any action in this matter.

E. Section 6 (a) of the Act, provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section, then the Division may take such action in lieu of the district board.

F. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

1. Whether the Code Member has willfully violated section 4 II (e) and (i) 8 of the Act and Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations; and

2. Whether in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder an order should be entered revoking the Code Membership of the Code Member or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to section 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on November 12, 1942, at 10 a. m., at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order should be entered directing the Code Member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regu-

lations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9500; Filed, September 24, 1942; 1:02 p. m.]

#### APPLICATIONS FOR REGISTRATION

##### NOTICE OF FILING

To all District Boards, Code Members, distributors, the Consumers' Counsel and other interested persons:

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name	Address	Date application filed
War Eagle Coal Sales Co.	Bluefield, West Va.	9-9-42
Norman W. Lee (Independent Operators' Sales Company).	3829 S. Ninth St., Arlington, Va.	9-3-42
Oscar M. Hoskins	LaFollette, Tenn.	9-2-42
Chicago & Southern Coal Company	332 So. Michigan Ave., Chicago, Ill.	8-11-42
William J. Stubbins	623 Brighton Blvd., Zanesville, Ohio	9-7-42
Central Oil Company, Inc.	616 Twiggs Street, Tampa, Florida	8-31-42

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to

the Division on or before October 26, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C.

Dated: September 23, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9497; Filed, September 24, 1942; 1:02 p. m.]

[Docket No. B-189]

WHEELING VALLEY COAL CORPORATION,  
WEST VIRGINIA

## CEASE AND DESIST ORDER, ETC.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure for disposition hereof without formal hearing, canceling hearing, revoking code membership and cease and desist order.

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, a District Board (the "Complainant") with the Bituminous Coal Division (the "Division") alleging that Wheeling Valley Coal Corporation, a Code Member (the "Code Member") which operates the Richland Mine, Mine Index No. 19, and the Costanzo Mine, Mine Index No. 8, both located in Ohio County, West Virginia, in District No. 6, and the Devenny No. 1 Mine, Mine Index No. 26, and the Devenny No. 2 Mine, Mine Index No. 31, both located in Brooke County, West Virginia, in District No. 6, violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck, as amended (the "Rail Schedule"), and For Truck Shipments, as amended (the "Truck Schedule"), and rules, regulations and orders promulgated by the Division pursuant to the Act, as more fully set forth in the complaint; and

The complaint and notice of and order for hearing dated April 18, 1942, having been duly served on the Code Member on April 23, 1942; and

A joint application dated June 9, 1942 of the Code Member and Cove Hill Coal Company for the disposition without formal hearing of this proceeding, Docket No. B-189, and the proceeding in Docket No. B-190, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division, having been duly filed with the Division on June 10, 1942, which was denied on June 16, 1942, by the Acting Director; and

The hearing herein having been postponed by order dated June 25, 1942, to a date and place to be thereafter designated by an appropriate order; and

A joint application of the Code Member and Cove Hill Coal Company dated July 2, 1942, for disposition of this proceeding and of the proceeding in Docket No. B-190 without formal hearing pursuant to said § 301.132, having been duly filed with the Division on July 3, 1942; and

Notice of the filing of said joint application dated July 2, 1942, having been published in the FEDERAL REGISTER on July 10, 1942, pursuant to said § 301.132 and a conformed copy thereof having been duly mailed to the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so

might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences with respect to said amended application, and it appearing that no such recommendations or requests have been filed with the Division within said fifteen (15) day period; and

An amendment thereto dated August 3, 1942, having been duly filed with the Division on August 3, 1942; and

In said joint application as amended, the Code Member admits that it willfully violated the Act, the Code, and orders, rules and regulations thereunder as alleged in the complaint herein and consents to the entry of an order of revocation and a cease and desist order as hereinafter provided, and consents to the imposition under section 5 (b) of the Act, of a tax in the amount of five thousand seven hundred and fifty dollars and fourteen cents (\$5,750.14) which it agrees to pay to the United States, the payment of which is a condition precedent to the restoration of its code membership; and

Also, in said joint application as amended, the Code Member has not to the best of its knowledge committed any violations of the Act, the Code, or regulations thereunder other than those admitted in the said joint application as amended and more particularly described in the said notice of and order for hearing; and

The instant proceeding and the proceeding in the matter of Cove Hill Coal Company, Docket B-190, are inter-related with the proceeding in the matter of Costanzo Coal Mining Corporation, Registered Distributor, Registration No. 1897, Docket 1540-FD; that the three proceedings should be viewed as a whole; and

In the findings of the Acting Director dated March 26, 1942, in Docket 1540-FD that Costanzo Coal Mining Corporation owned one-half of the capital stock of the Cove Hill Coal Company; that Frank Costanzo was the President of both the Cove Hill Coal Company and the Costanzo Coal Mining Corporation; that the entire output of the Cove Hill Coal Company was marketed through the Costanzo Coal Mining Corporation; that Costanzo Coal Mining Corporation also owned the majority of the capital stock of the Wheeling Valley Coal Corporation; that the Costanzo Coal Mining Corporation and the Wheeling Valley Coal Corporation had officers in common; that those officers constituted the respective Boards of Directors of said two companies; and that the entire output of the Wheeling Valley Coal Corporation was also marketed through the Costanzo Coal Mining Corporation. The transactions involved in Docket 1540-FD are substantially the same as those involved in the instant proceedings and in the Cove Hill Coal Company proceeding, Docket B-190. On the basis of the violations found in Docket 1540-FD, the registration of the Costanzo Coal Mining Corporation was suspended for a period of nine (9) months by order issued in that proceeding on March 26, 1942.

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violation and to compose the differences of the parties thereto, and upon the joint application, as amended, filed with the Division pursuant to § 301.132 of the Rules of Practice and Procedure of the Division, for the disposition without formal hearing of the charges contained in the complaint herein, and upon evidence in the possession of the Division;

It is hereby found that: (a) Wheeling Valley Coal Corporation is a corporation organized and existing by virtue of the Laws of the State of West Virginia, with its principal place of business at Wheeling, West Virginia, and is engaged primarily in the business of mining and producing bituminous coal in District No. 6.

(b) Wheeling Valley Coal Corporation filed with the Division on June 20, 1937 its Code Acceptance dated June 16, 1937. Said Code Acceptance became effective as of June 20, 1937. Wheeling Valley Coal Corporation has been since June 20, 1937 and is now a Code Member in District No. 6. During the period when the violations hereinafter found occurred, Wheeling Valley Coal Corporation was operating the Richland Mine, Mine Index No. 19 and the Costanzo Mine, Mine Index No. 8, both located in Ohio County, West Virginia, in District No. 6, and the Devenny No. 1 Mine, Mine Index No. 26, and the Devenny No. 2 Mine, Mine Index No. 31, both located in Brooke County, West Virginia, in District No. 6.

(c) Wheeling Valley Coal Corporation willfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code and Rule 1 of section III of the Marketing Rules and Regulations, as alleged in paragraphs I and II of the complaint herein, by selling through its sales agent, the Costanzo Coal Mining Corporation, to J. Q. Clarke Coal Company, Inc., Buffalo, N. Y., a registered distributor, (1) during the period from October 1, 1940, to February 4, 1941, both dates inclusive, 7521.95 net tons of coal produced either at its said Richland Mine or at its said Costanzo Mine, or at both of them, which coal was resold by the said J. Q. Clarke Coal Company, Inc., to various industrial consumers and by granting to said J. Q. Clarke Coal Company, Inc., a discount of 17 cents per net ton on such sales, whereas such coal was physically handled and resold by said J. Q. Clarke Coal Company, Inc., in less than cargo or railroad carload lots so that no discount was allowable on such coal, and (2) during the period from October 17, 1940, to February 1, 1941, 448 net tons of coal produced at either or both of the aforesaid mines and granting thereon a discount of 17 cents per ton whereas the maximum allowable distributor's discount on such coal was 12 cents per net ton as provided in the Order establishing due and reasonable maximum discounts, entered in General Docket No. 12 on June 19, 1940.

(d) Pursuant to the provisions of section 5 (b) of the Act, the membership of Wheeling Valley Coal Corporation in

the Code should be revoked with respect to the violations described in paragraph (c) hereof.

(e) The amount of tax imposed by section 5 (b) of the Act with respect to the coal described in paragraph (c) hereof, amounting to 7969.95 net tons, and required to be paid as a condition precedent to restoration of Wheeling Valley Coal Corporation to membership in the Code is five thousand seven hundred and fifty dollars and fourteen cents (\$5,750.14) which amount is 39% of the aggregate of the effective minimum prices of such coal f. o. b. mines of fourteen thousand seven hundred and forty-four dollars and seventeen cents (\$14,744.17).

It is further found that: (f) Wheeling Coal Corporation wilfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code and Rule 1 of section III of the Marketing Rules and Regulations as alleged in paragraph II of the complaint herein in addition to the tonnage referred to in paragraph (c) hereof, by selling through its sales agent, the Costanzo Coal Mining Company, to the J. Q. Clarke Coal Company, Inc., Buffalo, N. Y., a registered distributor, 61.25 net tons of coal produced at the said Richland Mine or the said Costanzo Mine, or at both of them, during the period October 17, 1940, to February 3, 1941, both dates inclusive, and by allowing thereon a discount of 17 cents per net ton whereas the maximum allowable discount on such coal was 12 cents per ton as provided in the order establishing due and reasonable maximum discounts entered in General Docket No. 12 on June 19, 1940.

(g) Wheeling Valley Coal Corporation wilfully violated section II (e) and (g) of the Act and Part II (e) and (g) of the Code as alleged in paragraph III of the complaint herein by selling and delivering through its sales agent, the Costanzo Coal Mining Corporation, to the Weirton Steel Company, Weirton, West Virginia, during the period December 1940 through January 1941, 6,107.50 net tons of 2" nut and slack coal, produced at the said Devenny No. 1 Mine, at a delivered price f. o. b. the plant of the said Weirton Steel Company, at \$1.15 per net ton, which was less than the effective minimum f. o. b. mine price for said coal, of \$1.90 per net ton established by the Division, as set forth in the Truck Schedule, and to which the Wheeling Valley Coal Corporation failed to add an amount at least equal as nearly as practicable to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to the plant facilities of the Weirton Steel Company, as required by Price Instruction No. 6 of said Truck Schedule.

(h) Wheeling Valley Coal Corporation wilfully violated section 4 II (e) of the Act and Part II (e) of the Code as alleged in paragraphs IV and V of the complaint herein,

(1) by selling through its sales agent, the Costanzo Mining Company for rail shipment to the Universal Cyclops Steel

Corporation, Titusville, Pennsylvania, during the period October 1, 1940, to March 31, 1941, both dates inclusive, a total tonnage of 7,236.6 net tons of various sizes of coal produced at the said Richland and Costanzo Mines at f. o. b. mine prices which were less than the effective minimum f. o. b. mine prices of \$1.85, \$2.10 and \$2.15 per net ton established therefor by the Division, as set forth in the Rail Schedule,

(2) by selling through its sales agent, the Costanzo Coal Mining Company for rail shipment to the Globe Brick Company, Kennilworth, West Virginia, during the period October through December 1940, a total tonnage of 5,729.95 net tons of various sizes of egg and lump coal, produced at the said Richland Mine or the Costanzo Mine, or at both of them, at an f. o. b. mine price of \$2.00 per net ton which was less than the effective minimum f. o. b. mine prices of \$2.05, \$2.10 and \$2.30 per net ton for the respective sizes established therefor by the Division as set forth in the Rail Schedule.

(i) Wheeling Valley Coal Corporation wilfully violated section 4 II (e) of the Act, Part II (e) of the Code, section 4 II (1) 8' of the Act, Part II (1) 8' of the Code, Rule 8 of section XIII of the Marketing Rules and Regulations and the Order of the Division entered in General Docket No. 19 on October 9, 1940, as alleged in paragraph VI of the complaint herein, by selling through its sales agent, the Costanzo Coal Mining Corporation, for rail shipment to the Globe Brick Company, Kennilworth, West Virginia, a mixture of 5,615.3 net tons of 2" lump coal produced at the said Richland and Devenny No. 1 Mines, at a price of \$2.00 per net ton f. o. b. said Richland Mine, which was below the effective minimum price of \$2.10 per net ton for 2" lump coal produced at said Richland Mine, as set forth in the Rail Schedule, and for which 2" lump coal produced at the said Devenny No. 1 Mine, no effective minimum prices, temporary or final, had been established f. o. b. the Richland Mine by the Division, for the sale of coal produced at the said Devenny No. 1 Mine, and by filing invoices with the Statistical Bureau for District No. 6 falsely showing thereon that all of the coal was produced at the Devenny No. 1 Mine.

(j) Wheeling Valley Coal Corporation wilfully violated section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 (f) of section XI of the Marketing Rules and Regulations, as alleged in paragraph VII of the complaint herein, by substituting upon an order for run of mine coal taken by its sales agent, the Costanzo Coal Mining Corporation, from the Pennsylvania Railroad Company, during the period October 1, 1940 to March 31, 1941, both dates inclusive, 73,038.05 net tons of egg coal, produced at the said Richland and Costanzo Mines, delivered to the Pennsylvania Railroad Company at a price of \$2.05 per net ton f. o. b. the mine, which was below the effective minimum f. o. b. mine price for such coal of \$2.20 per net ton

established by the Division, as set forth in the Rail Schedule, and by failing to comply with the conditions set forth in Rule 1 (f) of Section XI of the Marketing Rules and Regulations in making such substitutions.

(k) Wheeling Valley Coal Corporation wilfully violated Rule 13 of section II of the Marketing Rules and Regulations, as alleged in paragraph VIII of the complaint herein, by paying to the Pocahontas Coal Corporation a commission of 12 cents per net ton for sales on behalf of Wheeling Valley Coal Corporation during the period from December 31, 1940, to January 31, 1941, both dates inclusive, of approximately 5502.90 net tons of coal. Such commissions were paid pursuant to a sales agency agreement entered into on October 4, 1940, between the said Costanzo Coal Mining Corporation on behalf of the Wheeling Valley Coal Corporation and the Pocahontas Coal Corporation, which agreement was filed with the Division on or about October 16, 1940. Said Commissions were 7 cents per net ton in excess of the maximum discounts allowable to a registered distributor on sales of on-line railroad fuel, as established by Order of the Division entered in General Docket No. 12 on June 19, 1940, although at the time of said transactions Wheeling Valley Coal Corporation had not filed an application for permission to pay commissions in excess of such maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations.

(l) Wheeling Valley Coal Corporation wilfully violated the order of the Division entered in General Docket No. 19 on October 9, 1940, as alleged in paragraph IX of the complaint herein, by sales through its sales agent, the Costanzo Coal Mining Corporation, during the months of November and December 1940, 261.69 net tons of 2" nut and slack coal and 644.25 net tons of 1 1/4" slack coal produced at the said Devenny No. 1 Mine, to the Toronto Paper Company, for delivery f. o. b. its plant at Toronto, Ohio, at a sales price of \$1.95 per net ton f. o. b. said plant. Said coal was delivered by truck from the mine to barges on the Ohio River, transported by barge to Toronto, Ohio, reloaded into trucks and delivered to the bins of the Toronto Paper Company, which method of transportation constituted combination truck and river shipments of said coal, for which minimum prices, temporary or final, for such movement of said coal had not been established by the Division.

(m) Upon the basis of the violations described in paragraphs (f) to (l) hereof, inclusive, Wheeling Valley Coal Corporation should be directed to cease and desist from all violations of the Act, the Code and rules, regulations and orders thereunder.

It is hereby further found that the contracts between Wheeling Valley Coal Corporation and the Weirton Steel Company, the Universal Cyclops Steel Corporation,

and the Globe Brick Company, respectively, pursuant to which the coal referred to in paragraphs III, IV, V, and VI of the complaint herein and paragraphs (g), (h), and (i) of these findings was sold and delivered were not lawful bona fide written contracts entered into prior to June 16, 1933, under the provisions of section 4 II (e) of the Act.

Now, therefore, on the basis of the above findings and the said admissions and the consent filed by the said Wheeling Valley Coal Corporation pursuant to § 301.132 of the Rules of Practice and Procedure:

*It is ordered*, That the aforesaid joint application as amended be, and the same hereby is, granted in so far as it refers to Docket B-189 in respect to violations committed by the Wheeling Valley Coal Corporation; and

*It is further ordered*, That pursuant to section 5 (b) of the Act the membership of Wheeling Valley Coal Corporation in the Code be and the same hereby is revoked and canceled and that such revocation and cancellation shall become effective ten (10) days from the date hereof; and

*It is further ordered*, That the hearing herein heretofore postponed by Order dated June 25, 1942 to a time and place to be thereafter designated by an appropriate order be, and the same hereby is, canceled; and

*It is further ordered*, That prior to restoration of Wheeling Valley Coal Corporation to membership in the Code, there shall be paid to the United States a tax in the amount of Five Thousand Seven Hundred and Fifty Dollars and Fourteen Cents (\$5,750.14) as provided in section 5 (c) of the Act: *Provided, however*, That Wheeling Valley Coal Corporation shall be conditionally restored to membership in the Code upon payment to the United States of fifty per cent (50%) of Five Thousand Seven Hundred and Fifty Dollars and Fourteen Cents (\$5,750.14) conditioned upon the payment of the remainder thereof in eight equal monthly instalments, in the manner more particularly set forth in paragraph VII of said joint application, as amended, which sets forth the agreement made between the Wheeling Valley Coal Corporation and the Collector of Internal Revenue for such instalment payments; and

*It is further ordered*, That the Wheeling Valley Coal Corporation, its representatives, servants, agents, officers, employees, attorneys, receivers and successors or assigns, or any person acting or claiming to act on its behalf or in its interest, cease and desist and they hereby are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code and the rules and regulations thereunder, including but not in limitation hereof the making of further sales pursuant to the aforesaid contracts between Wheeling Valley Coal Corporation, and Weirton Steel Company, Universal Cyclops Steel Corporation, and Globe Brick Company, respectively, at less than the minimum

prices established for such coals, and that the provisions hereof shall continue in full force and effect with respect to Wheeling Valley Coal Corporation, its representatives, servants, agents, officers, employees, attorneys, receivers and successors or assigns, or persons acting or claiming to act on its behalf or in its interest, upon any conditional or unconditional restoration of Wheeling Valley Coal Corporation to membership in the Code pursuant to section 5 (c) of the Act; and

*It is further ordered*, That the Division upon failure of the Wheeling Valley Coal Corporation to comply with this order may apply to the Circuit Court of Appeals of the United States within any circuit wherein Wheeling Valley Coal Corporation carries on business, for the enforcement thereof, or take any other appropriate action.

Dated: September 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9455; Filed, September 23, 1942;  
12:07 p. m.]

[Docket No. 1714-FD]

THOMAS REDDING

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on September 29, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at Room 118, Colonial Hotel, Altoona, Pennsylvania, pursuant to an order issued in the above-entitled matter on September 4, 1942; and

The Director deeming it advisable that said hearing should be postponed;

*Now, therefore, it is ordered*, That the said hearing in the above-entitled matter be and the same hereby is postponed from September 29, 1942, at 10 a. m. to a time and place to be hereafter designated by an appropriate order.

Dated: September 24, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9550; Filed, September 25, 1942;  
11:26 a. m.]

[Docket No. A-1497]

DISTRICT BOARD No. 15

MEMORANDUM OPINION AND ORDER CONCERNING MOTION FOR RECONSIDERATION

In the matter of the petition of District Board No. 15 for revision of the effective minimum prices for certain coals produced in District No. 15.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on June 9, 1942, by District Board No. 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting increases in the prices published in the Schedule of Effective

Minimum Prices for District No. 15 for All Shipments Except Truck applicable to code member's mines in Production Groups Nos. 1, 2, 4, 5, 10; and 11, District 15, for shipment to Market Area No. 75 (Kansas City), and in Production Group No. 4, District 15, for shipment into Market Area No. 78 (St. Joseph, Missouri, etc.).

Pursuant to order of June 18, 1942, and after due notice to all interested persons, a hearing was held on July 8, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner and Bituminous Coal Consumers' Counsel ("Consumers' Counsel") appeared at the hearing. The preparation and filing of a report by the Examiner were waived, and the record was thereupon submitted to the Acting Director.

On July 29, 1942, the undersigned made Findings of Fact, Conclusions of Law and entered a final order granting relief.

On August 22, 1942, Consumers' Counsel filed a motion for reconsideration and modification of the order. The basis for the motion presently appears.

Established minimum prices for coals produced in District 15 are predicated on delivered differentials arrived at by relating the coals to one (or more) particular production group as a base group. Subsequent to the coordination and establishment of prices, certain freight rate changes, set out in my Findings of Fact, were established by carriers on coal produced in District 15 for shipment to Market Area 75. These changes were not uniform as between production groups. The price schedule provides a 10 per cent delivered differential between Size Groups 13 and 14. Applying the 10 per cent differential to the effective minimum f. o. b. mine price plus the freight rate results in fractional differences which may be more or less than 5 mills. I concluded that in cases of 5 mills or more, the fraction should be carried forward and the 1 cent added, and where less than 5 mills the fraction should be dropped in determining the minimum f. o. b. mine prices.

Rule 1 of section XII of the Marketing Rules and Regulations is as follows:

If, in converting a net or gross ton price, freight rate or freight rate differential, the calculation extends to more than two (2) decimals, and the third decimal is 0.005 or more, it shall be added as 0.01, and if under 0.005 it shall be eliminated.

I construed the foregoing rule as governing in this situation. Consumers' Counsel objects to such application of the Marketing Rule, contending that the rule is limited in its application to matters arising out of the conversion of gross tons to net tons. It is further contended that such translation of fractional cents is contrary to the acceptable statistical rule and is burdensome to consumers, adding 1 cent per ton to the



price of coal in those instances where the fraction happens to be exactly 5 mills, when there should be a reduction of 1 cent.

It is true that the extension of decimals to three or more points in converting gross ton prices to net tone prices suggested the advisability of adopting the rule.<sup>1</sup> However, I believe the rule expresses a policy which should be made applicable in such an instance as is presented here. The fact that the matter of translating gross ton prices immediately suggested the rule is no reason for limiting the policy of the rule to that type of situation.

The decision is justified in the interest of orderly administration and it does not appear from the evidence that the rule as construed by me works an undue hardship on consumers.

For the foregoing reasons, the motion of Consumers' Counsel for reconsideration and modification of the final order in this proceeding should be overruled.

*Accordingly, it is so ordered.*

Dated: September 24, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9951; Filed, September 25, 1942;  
11:26 a. m.]

## DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant  
Quarantine.

### WHITE-FRINGED BEETLE

HEARING TO CONSIDER REVISING QUARANTINE

SEPTEMBER 25, 1942.

Notice of public hearing to consider the advisability of revising the White-Fringed Beetle Quarantine to include North Carolina.

The Secretary of Agriculture has information that white-fringed beetles (species of the genus *Pantomorus*, sub-genus *Graphognathus*), insect pests dangerous to agriculture, and not heretofore widely prevalent or distributed within and throughout the United States, but known to be present in Alabama, Florida, Louisiana, and Mississippi, have been found to exist in the State of North Carolina.

It appears necessary, therefore, to consider the advisability of revising the quarantine on account of the white-fringed beetle (7 CFR 301.72 [Notice of Quarantine No. 72]) to include the State of North Carolina, and of restricting or prohibiting the movement from that State, or regulated portions thereof, of (1) soil, sand, clay, peat, or muck, independent of, or in connection with, nursery stock, plants, or other things; and (2) such other articles or materials as may be determined to present a hazard in spread of the beetle, including the following:

Nursery stock.  
Potatoes.  
Grass sod.

<sup>1</sup>See evidence (Tr. 102, Hearing on the coordination of Marketing Rules and Regulations, April 17, 1939).

Lily bulbs.  
Compost and manure.  
Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peanuts in shells and peanut shells.  
Seed cotton, cottonseed, baled cotton lint, and linters.

Used implements; machinery, containers, scrap metal, and junk.

Brick, tile, stone, cinders, concrete slabs, and building blocks.

Notice is, therefore, hereby given that, in accordance with section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 161) as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine in the auditorium of the Department of Agriculture, Washington, D. C., in the South Building, Independence Avenue and 14th Street SW., at 10:30 A. M., October 15, 1942, in order that any person interested in the proposed quarantine revision may appear and be heard either in person or by attorney.

GROVER B. HILL,  
Acting Secretary.

[F. R. Doc. 42-9558; Filed, September 25, 1942;  
11:34 a. m.]

## DEPARTMENT OF LABOR

Wage and Hour Division.

[Administrative Order No. 161]

PRINTING AND PUBLISHING AND ALLIED  
GRAPHIC ARTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 49

By virtue of and, pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, William B. Grogan, Acting Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Mr. Julian Wolfner from Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry, and do appoint in his stead as representative of the employers on such committee Mr. F. R. Tyroler, of New York, New York.

Signed at New York, New York, this 24th day of September 1942.

WILLIAM B. GROGAN,  
Acting Administrator.

[F. R. Doc. 42-9561; Filed, September 25, 1942;  
11:30 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6427]

McCLATCHY BROADCASTING Co. (KWG)

NOTICE OF HEARING

In re application of McClatchy Broadcasting Company (KWG), dated April 29, 1942; for construction permit; class of service, broadcast; class of station,

broadcast; location, Stockton, California; operating assignment specified: Frequency, 1230 kilocycles; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission on September 8, 1942, denied the petition of the applicant filed pursuant to the memorandum opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: McClatchy Broadcasting Company, Radio Station KWG, 708 I Street, Sacramento, California.

Dated at Washington, D. C., September 21, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9542; Filed, September 25, 1942;  
10:59 a. m.]

[Docket Nos. 6423, 6424, 6425]

NATIONAL BROADCASTING Co., Inc. (New)

NOTICE OF HEARING

In re application of National Broadcasting Company, Inc. (New), dated June 22, 1942; for construction permit; class of service, relay broadcast; class of station, relay broadcast; location, area of San Francisco, California; operating assignment specified: frequency, 1606, 2074, 2102, 2758 kilocycles; emission: A1, A2, and A3; power, 75 w. night; 75 w. day; hours of operation, section 4.24; to be used with KPO.

In re application of National Broadcasting Company, Inc. (New), dated June 25, 1942; for construction permit; class of service, relay broadcast; class of station, relay broadcast; location, area of San Francisco, California; operating assignment specified: frequency, 1606, 2074, 2102, 2758 kilocycles; emission: A3; power, 500 w. night; 500 w. day; hours of operation, section 4.24.

In re application of National Broadcasting Company, Inc. (New), dated June 22, 1942; for construction permit; class

of service, relay broadcast; class of station, relay broadcast; location, area of San Francisco, California; operating assignment specified: frequency, 31220, 35620, 37020, 39260 kilocycles; emission: A3; power, 25 w. night; 25 w. day; hours of operation, section 4.24; to be used with KFO.

You are hereby notified that the Commission has examined the above described applications and has designated the matters for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's memorandum opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: National Broadcasting Company, Inc., c/o RCA Frequency Bureau, 30 Rockefeller Plaza, New York, New York.

Dated at Washington, D. C., September 21, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9544; Filed, September 25, 1942;  
10:59 a. m.]

[Docket No. 6428]

ROYAL MILLER (KROY)

#### NOTICE OF HEARING

In re application of Royal Miller (KROY), dated May 6, 1942; for construction permit; class of service, broadcast; class of station, broadcast; location, Sacramento, California; operating assignment specified: Frequency, 1240 kilocycles; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission on September 8, 1942, denied the petition of the applicant filed pursuant to the memorandum opinion of the Commission of April 27, 1942, and designated the above entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Royal Miller, Radio Station KROY, Sacramento Hotel, 10th and K Streets, Sacramento, California.

Dated at Washington, D. C., September 21, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9543; Filed September 25, 1942;  
11:00 a. m.]

[Docket No. C419]

WRDO, INCORPORATED

#### NOTICE OF HEARING

In re application of WRDO, Incorporated, dated February 28, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Augusta, Maine; operating assignment specified: Frequency, 1400 kilocycles; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's memorandum opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance

with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: WRDO, Incorporated, Radio Station WRDO, No. 1 Commercial Street, Augusta, Maine.

Dated at Washington, D. C., September 21, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9545; Filed, September 25, 1942;  
10:59 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-262]

MEMPHIS NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 22, 1942.

The Department of Public Utilities of the State of Arkansas, complainant, v. Memphis Natural Gas Company, defendant.

It appearing to the Commission that: The Department of Public Utilities of the State of Arkansas on April 25, 1942, filed a complaint with the Federal Power Commission alleging that the rates charged by the Memphis Natural Gas Company for gas sold to the Arkansas Power and Light Company for resale and distribution for domestic use, and for all uses, compared with the rates charged for gas sold to the City of Memphis for similar uses, are unreasonable, unjust, and unduly discriminatory; that under existing conditions and circumstances the citizens and business interests in the cities and towns in Arkansas served by the Arkansas Power and Light Company are subjected to unlawful and unreasonable prejudice and disadvantage not justified by any difference in the cost of service; that the action of the Memphis Natural Gas Company in maintaining such difference in rates and charges for gas sold and delivered to the City of Memphis and to the Arkansas Power and Light Company is in violation of and prohibited by section 4 (b) of the Natural Gas Act.

The Commission orders, That: A public hearing be held in Room 521, Federal Building, at Little Rock, Arkansas, beginning at 10 A. M., on October 12, 1942, to determine whether the rates and charges assessed and collected by Memphis Natural Gas Company for gas sold and delivered to Arkansas Power and Light Company are unreasonable, unjust, and unduly discriminatory, as alleged in the complaint filed by the Department of Public Utilities of the State of Arkansas.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-9540; Filed, September 25, 1942;  
9:59 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 12 Under Maximum Price Regulation 126—Fluorspar]

D. S. BUISSON

## DETERMINING MAXIMUM PRICE

For the reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered that:*

(a) Under the provisions of § 1376.1 (a) (3) of Maximum Price Regulation No. 126, issued April 28, 1942, the price of \$18.00 per ton f. o. b. Townsend, Montana, for metallurgical grade fluorspar, the specifications of which are a minimum of 85% calcium fluoride, and a maximum of 5% silica, is determined to be a price in line with the level of maximum prices established by § 1376.1 of said Maximum Price Regulation for sales made by D. S. Buisson, Townsend, Montana, and the maximum price at which said company may sell or deliver said grade of fluorspar.

(b) On or before October 15, 1942, and on or before the 15th day of each month thereafter D. S. Buisson shall file with the Office of Price Administration, Washington, D. C., a detailed profit and loss statement covering operations in the preceding calendar month, and copies of all invoices for fluorspar sold during the same period.

(c) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 12 shall become effective September 25, 1942.

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9514, Filed, September 24, 1942;  
1:40 p. m.]

[Order 1 Under Maximum Price Regulation 205—Sulphate of Ammonia Producers, Importers and Jobbers—Docket 3205-1]

## COLORADO FUEL AND IRON CORPORATION

## GRANTING PERMISSION FOR ADJUSTABLE PRICES

For reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, *It is ordered:*

(a) On and after the 25th day of September 1942, sales of sulphate of ammonia produced at Pueblo, Colorado by The Colorado Fuel and Iron Corporation may be made at the applicable maximum price, subject to an agreement with the purchasers of such sulphate of ammonia to adjust prices upon deliveries during pendency of its petition in accordance with the disposition thereof.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time, and, in any event, is to be effective only to the date upon which the petition is finally determined by the Price Administrator.

(c) This Order No. 1 shall become effective September 25, 1942.

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9513; Filed, September 24, 1942;  
1:39 p. m.]

[Order 17 Under Revised Price Schedule 64—  
Domestic Cooking and Heating Stoves]

## PRIZER-PAINTER STOVE WORKS

## ORDER APPROVING MAXIMUM PRICES

On August 21, 1942, Prizer-Painter Stove Works, Reading, Pennsylvania, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for eight coal ranges, designated in said application as Models Nos. 395-E Victory Perfect, 818-V Perfect, 17-KV Modern, 821-V Perfect Peerless, 18-KV Modern, 17-8 V Duplex, 18-8 V Duplex, and 181-V Duplex.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) Prizer-Painter Stove Works may sell, offer to sell, deliver, or transfer the following models at prices no higher than those specified:

Model No.	F.o.b. factory to dealers
393-E Victory Perfect	@ \$31.11
818-V Perfect	@ 57.01
17-KV Modern	@ 62.39
821-V Perfect Peerless	@ 66.01
18-KV Modern	@ 67.31
17-8 V Duplex	@ 72.88
18-8 V Duplex	@ 84.90
181-V Duplex	@ 86.86

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the maximum prices of Models Nos. 395-E Perfect 313 AL Perfect, 17-E Modern, 821 Perfect Peerless, 18-E Modern, 17-8 Duplex, 18-8 Duplex, and 181 Duplex, respectively under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 54 shall apply to terms used herein.

(d) This Order No. 17 shall become effective on the 24th day of September 1942.

Issued this 24th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9533; Filed, September 24, 1942;  
4:45 p. m.]

17 F.R. 1329, 1836, 2060, 2132; 4404, 5872, 6221.

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-599]

ANDROSCOGGIN MILLS, ET AL.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of September 1942.

In the matter of Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company, York Manufacturing Company.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named person or persons, and notice having been given of the filing thereof by publication in the Federal Register and otherwise as provided by Rule U-23 under said Act; and

Said declaration or application relating to the following transactions: Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company, and York Manufacturing Company, all non-utility subsidiary companies of New England Public Service Company, a registered holding company, each proposes to issue promissory notes from time to time to The First National Bank of Boston or other banks or trust companies for the purpose of evidencing borrowings to obtain working capital. The maximum principal amount of notes to be outstanding at any one time is \$500,000 in the case of Androscoggin Mills, The Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company and a maximum amount of not to exceed \$1,000,000 in the case of Bates Manufacturing Company, which maximum amount in the case of Bates Manufacturing is inclusive of promissory notes in the aggregate principal amount of \$825,000 issued and outstanding as of August 8, 1942, and held by said The First National Bank of Boston. It is stated that it is proposed that these promissory notes in the case of each Company shall be short-term, issued when the Company needs additional current funds, and be paid or renewed, as the case may be, at the end of the term, the result being in each case a revolving issue of notes with the aggregate amount outstanding at any one time fluctuating according to the credit requirements of the particular Company but exceeding at no time the aggregate amount herein proposed to be issued by each Company.

It now appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 29, 1942, at 10 A. M., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the issue and sale of the notes proposed to be issued are solely for the purpose of financing the business of the applicant companies;

(2) What terms and conditions, if any, should be attached to the Commission's order?

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file written application pursuant to Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9537; Filed, September 25, 1942;  
10:01 a. m.]

[File No. 70-597]

AMERICAN UTILITIES SERVICE CORPORATION  
ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of September, A. D. 1942.

American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-62 promulgated thereunder, regarding the acquisition by American, prior to December 31, 1942, of \$750,000 of its Collateral Trust 6% Bonds, Series A, through invitation of tenders pursuant to its indenture with Continental Illinois

Bank and Trust Company of Chicago, Indenture Trustee;

Said declaration having been filed on September 2, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said acquisition and the solicitation material filed therewith that the requirements of section 12 (c) of the Act and Rules U-42 and U-62 are complied with and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit the declaration to become effective;

*It is hereby ordered,* Pursuant to Rule U-23, and the applicable provisions of said Act and subject to the terms and conditions prescribed by U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9536; Filed, September 25, 1942;  
10:01 a. m.]

WAR MANPOWER COMMISSION.

[Directive No. XI]

REQUESTS FOR OCCUPATIONAL DEFERMENT  
OF OFFICERS OR EMPLOYEES

To all departments and agencies of the executive branch of the Federal Government, concerning requests for the occupational deferment of their officers or employees.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139<sup>1</sup> establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the measures hereinafter set forth will promote an equitable and uniform application to employees of the Federal Government of the provisions of the Selective Training and Service Act of 1940, as amended, facilitate the filling of the Federal Government's requirements for manpower in the civilian service, and promote the effective mobilization and maximum utilization of the Nation's manpower, it is hereby directed:

I. Not later than ten days after the publication of this directive in the FEDERAL REGISTER, each department and agency of the executive branch of the Federal Government shall have prepared and submitted to the Civil Service Commission, and shall thereafter keep current, information, hereinafter referred to as the department's or agency's list of key positions, with respect to each position, directly concerned with the war effort or

with essential supporting activities, in such department or agency, the adequate performance of the duties of which requires (a) special skills or abilities and (b) a considerable period of training or experience. Such list of key positions shall include with respect to each such position, a description of the skills, abilities, training or experience required and a description of the relation of the position to the war effort or essential supporting activities.

II. On the basis of the information so submitted, the Chairman of the War Manpower Commission will designate those positions which shall be eliminated from each department's or agency's list of key positions. In making such designations, the Chairman of the War Manpower Commission will base his determination with respect to each position (a) on the relation of such position to the war effort or to essential supporting activities, (b) on the skills, abilities, training or experience required for the adequate performance of the functions and duties of such position, and (c) on the ability of the department or agency concerned to secure from government or non-government sources, a replacement for such position, consistently with such policies and directives as the Chairman of the War Manpower Commission may have prescribed. The Chairman of the War Manpower Commission will promptly inform the appropriate department or agency of such designations, and will thereafter from time to time make, and notify the appropriate department or agency of, such new designation or revisions in former designations as changing circumstances may require.

III. On and after the twentieth day after the publication of this directive in the FEDERAL REGISTER, no department or agency, unless such request conforms Federal Government shall directly or indirectly request the occupational deferment, under the Selective Training and Service Act of 1940, as amended, of any officer or employee of such department or agency of, such new designations or re-with the following principles and procedures:

(a) Each such request shall be made only by the head of the appropriate department or agency, or by the person or persons designated by such head to take such action;

(b) Each such request shall be made on the form or forms prescribed by the Director of Selective Service;

(c) No such initial request for a Class II classification on occupational grounds shall be made unless the head of the appropriate department or agency or the person or persons designated by him to take such action shall certify that:

(1) The officer or employee possesses special skills or abilities, absolutely essential to the performance of his duties, which skills or abilities have been acquired as a result of a considerable period of training or experience; and

(2) The officer or employee is employed in a position which is included in the department's or agency's list of key positions as currently revised pursuant to

<sup>1</sup> 7 F.R. 2919.

paragraph II of this directive, or, though he is not employed in such a position, the officer or employee is engaged in an activity which is directly concerned with the war effort or with essential supporting activities and occupies such an extraordinary and unique relationship to the conduct of that activity that the head of his department or agency and the Chairman of the War Manpower Commission have determined that his separation from the activity would seriously impair, over a substantial period of time, the effective functioning of that activity.

(d) No such request for an additional occupational deferment beyond the initial period of six months shall be made unless the head of the department or agency, or the person or persons designated by such head to take such action shall, in addition to certifying to the matters prescribed under subparagraph (c) hereof, also certify that:

(i) The department or agency concerned and the Civil Service Commission have determined that any effort to recruit a replacement would be in conflict with the policies and directives of the Chairman of the War Manpower Commission, or

(ii) Vigorous efforts have been made, subject to the policies and directives of the Chairman of the War Manpower Commission, by the department or agency concerned and by the Civil Service Commission to secure a replacement and such efforts have been unavailing, or

(iii) A replacement has been secured but a further period of training is required before the trainee will be qualified to assume the responsibilities of the position, or

(iv) The head of the department or agency and the Chairman of the War Manpower Commission have determined that the officer or employee is engaged in an activity which is directly concerned with the war effort or with essential supporting activities and occupies such an extraordinary and unique relationship to the conduct of that activity that his separation from the activity would seriously impair, over a substantial period of time, the effective functioning of that activity.

IV. If, pursuant to the requirements of the War Department or the Navy Department with respect to the voluntary enlistment in the armed forces by, or the offer or award of commissions in the armed forces to, civilian officers or employees of the executive branch of the Federal Government, any such officer or employee presents to the head of his department or agency a request for a release in order to so enlist or to secure such a commission, such release shall be denied if the head of such department or agency determines that he would have requested the occupational deferment of such officer or employee under the Selective Training and Service Act of 1940, as amended, pursuant to the provisions of paragraph III (c) of this directive, unless the Chairman of the War Manpower Commission determines that the services for which such officer or employee is sought by the armed forces will constitute a more effective contribution to the war effort than the services per-

formed by the individual in his position in such department or agency. In the event of such denial, the head of the department or agency shall at the same time certify to the officer's or employee's appropriate Selective Service local board that he had refused to issue to such officer or employee a release which would have enabled him to enlist in or accept a commission in the armed forces of the Nation, including therein a statement of the reasons for such refusal.

V. The Chairman of the War Manpower Commission will exempt from the provisions of this directive, any civilian activity of a department or agency of the executive branch of the Federal Government which he finds (a) is substantially identical to an industrial enterprise and (b) has established and is maintaining policies and procedures with respect to the occupational deferment, under the Selective Training and Service Act of 1940, as amended, of officers or employees engaged therein, which are consistent with the policies and directives of the Chairman of the War Manpower Commission.

VI. Each department or agency of the executive branch of the Federal Government seeking a determination by the Chairman of the War Manpower Commission pursuant to paragraph III, IV or V hereof shall submit its request therefor, together with such information in connection therewith as it may deem pertinent, to the Civil Service Commission. The Civil Service Commission shall submit its recommendations with respect to such requests and with respect to each department's or agency's list of key positions submitted pursuant to paragraph I hereof, to the Chairman of the War Manpower Commission.

VII. The Director of Selective Service shall take such actions as may be necessary or appropriate to acquaint all local boards and boards of appeal in the Selective Service System with the provisions of this directive.

VIII. This directive may be cited as the "Directive with Respect to Requests for the Occupational Deferment of Federal Employees."

PAUL V. McNUTT,  
Chairman.

SEPTEMBER 24, 1942.

[F. R. Doc. 42-9548; Filed, September 25, 1942;  
11:21 a. m.]

[Directive No. XII]

CLASSIFICATION OF FIELD POSITIONS IN  
FEDERAL SERVICE

To all departments and agencies of the executive branch of the Federal Government, concerning the classification of field positions in the Federal service.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139<sup>1</sup> establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the measures herein-after set forth will facilitate the filling

of the Federal Government's requirements for manpower in the civilian service, effectuate the administration of Executive Order No. 9243<sup>2</sup> and War Manpower Commission Directive No. X,<sup>3</sup> and promote the effective utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. Whenever the Civil Service Commission shall have reason to believe that the classifications of any civilian positions in the field services of an executive department or agency which are subject to the schedule of grades and salaries prescribed by the Classification Act of 1923, as amended, are such as to result in (a) material interference with the effective administration of Executive Order No. 9243 and War Manpower Commission Directive No. X, or (b) undesirable competition for employees among such departments or agencies, or (c) an impediment to the effective utilization of the Nation's manpower in the war effort, it shall make a fact-finding survey of the positions concerned or such other study as it deems necessary, and shall, after consultation with the affected department or agency, prepare and promulgate standards for the proper classification of such positions in accordance with the schedule of grades and salaries prescribed by the Classification Act of 1923, as amended. Any such fact-finding survey or study may be made at the request of or in cooperation with an affected department or agency.

II. Upon receipt of such standards, each department and agency having field positions affected thereby shall classify such positions in accordance with such standards and report its classifications to the Civil Service Commission, together with such additional information and in such manner and form as the Civil Service Commission may prescribe.

III. The Civil Service Commission shall make such audits as may be necessary to determine the extent of adherence to standards prescribed pursuant to paragraph I hereof, and shall report its findings with respect to variations therefrom to the Director of the Bureau of the Budget.

IV. Whenever the Civil Service Commission shall have reason to believe that the results described in clause (a), (b), or (c) of paragraph I hereof are occurring or are likely to occur, with respect to positions in the Federal service for which wage scales are fixed on a prevailing rate basis, it shall take such action as may be appropriate to promote such adjustments of such wage rates or other action by the departments or agencies concerned, as may appear proper or necessary to effectuate the purposes of this directive.

V. The Civil Service Commission is authorized and directed to adopt such measures and take such action as may be necessary and appropriate to carry out the provisions of this directive.

VI. The Civil Service Commission shall prescribe such rules or regulations as may be necessary to assure that the incumbent of any position whose rate of

<sup>1</sup> 7 F. R. 7213.

<sup>2</sup> 7 F. R. 7298.



pay will be reduced by reason of any action pursuant to paragraph II hereof is provided, prior to such reduction, a fair opportunity to present to the Civil Service Commission, his objections thereto.

VII. This Directive may be cited as the "Directive with Respect to Classification Standards for positions in the field services of executive departments and agencies of the Federal Government."

PAUL V. McNUTT,  
*Chairman.*

SEPTEMBER 24, 1942.

[F. R. Doc. 42-9549; Filed, September 25, 1942;  
11:21 a. m.]

#### WAR PRODUCTION BOARD.

[Amendment 1 to Certificate 1]

#### MANUFACTURE OF SYNTHETIC NITRATION GRADE TOLUENE

THE ATTORNEY GENERAL: Reference is made to Certificate No. 1 dated June 24, 1942,<sup>1</sup> made pursuant to Section 12 of Public Law No. 603, approved June 11, 1942, relating to the exchange of technical information with respect to the manufacture of synthetic nitration grade toluene. After consultation with you, I hereby amend such plan so as to include within its scope such persons having

<sup>1</sup>F.R. 5070.

technical information regarding the manufacture of synthetic nitration grade toluene, in addition to those referred to in Certificate No. 1, as may be requested by me to participate in such plan; and I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any such person in compliance with such request is requisite to the prosecution of the war.

DONALD M. NELSON,  
*Chairman.*

SEPTEMBER 10, 1942.

[F. R. Doc. 42-9564; Filed, September 25, 1942;  
11:45 a. m.]

